

Alabama
Documents
JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

Begun and held at the town of Cahawba,
on the first Monday in November 1821.

BEING THE

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY OF SAID STATE.

CAHAWBA.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

On the first Monday of November, being the day fixed by law for the meeting of the General Assembly, the following members of the House of Representatives appeared and took their seats, to wit:

From the county of Madison---David Moore, John Vining, Frederick Weedon, John Martin, Thomas Miller, William Fleming, Henry King and John M. Leake.

From the county of Limestone---William Edmondson, Benjamin Murrell, and Quin Morton.

From the county of Shelby---Benjamin Davis and Thomas McHenry.

From the county of Montgomery---Joseph Fitzpatrick, George Dabney and Peter Williamson.

From the county of Washington---James Tagert and James Thompson.

From the county of Tuscaloosa---Levin Powell, Marmaduke Williams and Sion L. Perry.

From the county of Lawrence---Mathew Clay and Hugh A. Anderson.

From the county of Franklin---William W. Parham and Theophilus Skinner.

From the county of Morgan---McKenny Holderness and Horatio Philpott.

From the county of Clark---James Magoffin and Edward Kennedy.

From the county of Bibb---Jonathan Jones.

From the county of Conecuh---Eldridge S. Greening and John E. Graham.

From the county of Dallas---Walter Crenshaw and Randall Blackmon.

From the county of Marengo---Nathaniel Norwood.

From the county of Marion---Lemuel Beene.

From the county of Lauderdale---Guthrage Masterson and John Craig.

From the county of Autauga---William R. Pickett and John A. Elmore.

From the county of Baldwin---Elijah Montgomery.

From the county of Mobile---Francis W. Armstrong.

From the county of Blount---John Brown and Moses Ayers.

From the county of St. Clair---James Hardwicke.

From the county of Monroe---James Dellet, John Carr and Samuel Dale.

From the county of Jackson---William Barclay, George W. Hopkins and Booker Smith.

On motion of Mr. Morton, Mr. Williams was called to the chair.

On motion of Mr. Morton, N. Dodson was elected clerk, *pro tem*.

On motion of Mr. Vining, the House proceeded to the election of a Speaker; whereupon, the election being conducted *viva voce*, Mr. James Dellet was elected Speaker; and being conducted to the chair, made his acknowledgements to the House, and proceeded to discharge the duties of the chair.

On motion of Mr. Williams, the House proceeded to the election of principal clerk; and the election being constitutionally conducted, Mr. Speaker announced N. Dodson unanimously elected.

On motion of Mr. Crenshaw, the House proceeded to the election of an engrossing clerk, whereupon, Edward R. Byrd was duly elected.

On motion, the House proceeded to the election of a door keeper, whereupon, William T. Gamble was duly elected.

On motion of Mr. Williams, *Resolved*, That the members of this House do now proceed to take the oath prescribed by the constitution; and also the oath in conformity with an Act, entitled an Act to suppress duelling.

On motion the House adjourned, till this evening, 5 o'clock.

Evening Session.

The House met at 2 o'clock, pursuant to adjournment.

The members then proceeded to take the oath in conformity to Mr. Williams' resolution, which were administered to Mr. Speaker, and all the members present.

The principal and engrossing clerks were also qualified, by taking the oath prescribed by law.

The House then proceeded to the election of an assistant clerk, whereupon, Thomas W. Winn was duly elected.

On motion of Mr. Vining, *Ordered*, that the following committees be appointed, to wit:

A Committee of Accounts—A Committee of Privileges and Elections—
A Committee of Ways and Means—A Committee of Claims—A Committee
of propositions and grievances—A Committee on enrolled bills—A Com-
mittee of Inland Navigation—A Judiciary Committee—A Military Commit-
tee—A Committee on Roads, Bridges, Ferries, &c.—A Committee on
County Boundaries—And a Committee on Schools and Colleges, and School
and College Lands.

On motion of Mr. Moore, *Resolved*, That a message be
sent to the Senate to inform them, that a quorum of this
House is assembled, and have appointed James Dellet, one
of the Representatives of Monroe county, their Speaker,
Nathaniel Dodson, clerk, and William T. Gamble, door
keeper, and are now ready to proceed to business.

Ordered, That the House adjourn till to-morrow morning,
10 o'clock. *Tuesday, November 6, 1821.*

The House met pursuant to adjournment.

Mr. Allen, a member from Blount, and Mr. Ragby, a
member from Monroe, appeared, were qualified and took
their seats.

A Message from the Senate by Mr. Casey:

Mr. Speaker and Gentlemen of the House of Representatives,
I am directed to inform your honourable body, that a quo-
rum of the Senate is assembled; and that they have elect-
ed Mr. John D. Terrell their president, Francis S. Lyon
their secretary, and Matthew W. McClellan door keeper;
and that the Senate are ready to proceed to business.

In pursuance of the order of the House, *Mr. Speaker*
reported the following standing committees:

A Committee of Privileges and elections to consist of
Messrs. Pickett, Edmondson, Williams, Craig and Magoffin.

A Committee on claims, to consist of Messrs. Vining,
Brown, Philpott, Togert, McHenry.

A Committee of Propositions and Grievances, to consist
of Messrs. Fitzpatrick, Murrell, Holderness, Skinner and
Martin.

A Committee on the Judiciary, to consist of Messrs.
Grenshaw, Williams, Perry, Greening and Fleming.

A Committee on inland navigation, to consist of Messrs.
Wooden, Powell, Masterson, Hardwicke and King.

A Military Committee, to consist of Messrs. Armstrong,
Elmore, Montgomery, Greening and Thompson.

A Committee of Ways and Means, to consist of Messrs.
Williams, Moore, Pickett, Craig and Fleming.

A Committee on Accounts, to consist of Messrs. Moore,
Morton, Beene, Graham and Davis.

A Committee on Roads, Bridges and Ferries, to consist of Messrs. Fleming, Parham, Williamson, Kennedy and Dabney.

A Committee on County Boundaries, to consist of Messrs. Leake, Dale, Duckworth, Edmondson & McHenry.

A Committee on Schools and Colleges, and on School and College lands, to consist of Messrs. Craig, Miller, Clay, Fleming and Magoffin.

A Committee on enrolled bills, to consist of Messrs. Perry, Graham and Murrell.

The Speaker laid before the House a communication from Harry Toulmin, of Washington, proposing a plan of digesting the statutes of this State. On motion of Mr. Williams, *Ordered*, that the same lie on the table.

On motion of Mr. Moore, *Resolved*, That a committee of two members of this House, be appointed to act with a committee to be appointed on the part of the Senate to wait on the acting Governor, and inform him, that the two houses are now organized, and ready to receive any communication he may please to make: Whereupon, Messrs. Moore and Armstrong were appointed said committee.

Mr. Crenshaw presented the petition of John P. Crowell, proposing a plan of Digesting the Statutes and praying remuneration therefor. On motion ordered, that the said petition lie on the table.

On motion of Mr. Masterson, *Resolved* that a committee be appointed to draft rules of decorum for this House: Whereupon, Messrs. Craig, Perry, Greening, Moore and Clay were appointed said committee.

On motion of Mr. Clay, *Resolved*, that the rules issued at the last fall session of the Legislature for the government of the proceedings of the House of Representatives, be adopted by this House, until other rules shall be drafted and accepted by the same.

On motion of Mr. Williams, *Resolved* that the Senate be informed, that on this day, at 12 o'clock, the House of Representatives will be ready to proceed in counting out the votes for Governor, and the Senate are requested to attend at that hour in the Representative chamber.

On motion of Mr. Morton, *Resolved*, that a committee of five members be appointed for the purpose of drafting a bill, apportioning the Representative and Senatorial branches of the Legislature. Mr. Hardwick moved, that the said resolution be reconsidered, which was carried. On motion of

Mr. Williams, *ordered* that the said resolution lie on the table.

Mr. Powell presented the memorial of John J. Inge and Seth Barton of Tuskalooza, proposing a Digest of the Statutes of this State. On motion, *ordered* that the said memorial lie on the table.

The Speaker laid before the House the proceedings of the Circuit Court of Madison county in the case of Harriet Dillard and Nicholas Dillard for divorce. On motion, *Ordered*, that the said proceedings be referred to a select committee: Whereupon Messrs Weedon, Vining and Miller were appointed said committee.

The Speaker laid before the House the proceedings of the Circuit Court of Conecuh county, in the case of William Bagby against Elizabeth Bagby for divorce. On motion, *Ordered* that the said proceedings be referred to a select committee: Whereupon, Messrs Graham, Greening and Carr were appointed said committee.

On motion, *Ordered* that Messrs Leake and Bagby be added to the Judiciary committee.

The Speaker laid before the House the petition of the Intendant and council of the lower part of the town of Tuskalooza, which was received: and on motion, *Ordered* that the said petition lie on the table.

Message from the Senate by Mr. Rose.

Mr. Speaker ;--I am instructed by the Senate to inform this House, that the Senate will repair to this Chamber on this day according to the notice communicated, in order to count out the votes for Governor.

Ordered, that Mr. Parham be added to the committee on schools and colleges and school and college lands.

Ordered, that Mr. Messrs Masterson and Anderson be added to the Military committee.

Ordered, that Mr. Crenshaw be added to the committee of privileges and elections.

Mr. Armstrong moved the following resolution; *Resolved* that a committee of four members of this House be appointed to wait on the acting Governor, and inform him, that this House has formed a quorum, are organized, and ready to receive any communication he may please to make.

Mr. Craig moved, that the said resolution lie on the table. The ayes and nays being called for, those who voted in the affirmative are,

Messrs Anderson, Beene, Crenshaw, Craig, Duckworth, Elmore, Fitzpatrick, Greening, Jones, Montgomery, Magoffin, Perry, Tagert, Thompson, Willams, Williamson—16.

Those who voted in the negative, are Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Brown, Carr, Clay, Dabney, Davis, Edmondson, Fleming, Graham, Hardwicke, Holderness, Hopkins, Kennedy, King, Leake, Murrell, Masterson, Miller, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Vining, Weedon—36.

The resolution was then adopted: Whereupon Messrs Armstrong, Moore, Weedon and Clay were appointed said committee.

Mr. Greening presented the petition of David Wood, praying the State to sell certain land to him therein mentioned, which was received; and on motion the said petition was referred to the committee of School and colleges and school and college lands.

Mr. Armstrong from the committee to wait on His Excellency the acting Governor, reported that the said committee had proceeded to discharge said duty and that the Governor returned for answer, that he will make a communication to this House to morrow at 11 o'clock. On motion, *Ordered* that the committee appointed to wait upon the committee appointed by the Senate to wait on the acting Governor, to inform the two Houses are now organized and ready to proceed to receive any communication he may please to make, be called upon to state the reason why they have not fulfilled said duty. Whereupon, Mr. Moore of said committee reported that the Senate not having appointed a committee on their part, they consequently could not perform said duty. *Ordered*, that the House adjourn till to-morrow morning 10 o'clock.

Wednesday November 7 1821.

The House met pursuant to adjournment.

Ordered, that Mr. Allen be added to the military committee.

Ordered, that Mr. McHenry be added to the committee on schools and colleges and school and college lands.

Ordered, that Mr. Martin be added to the committee on enrolled bills.

Mr. Perry presented the petition of William and David Morrow, administrators of Robert Morrow, deceased, praying the passage of a law authorizing the sale of a lot therein named, which was received: and on motion of Mr. Perry, *Ordered* to be referred to a select committee; Whereupon Messrs Perry and Williams were appointed said committee.

Mr. Crenshaw presented the petition of John Rose, praying the establishment of a road therein named, which was

received; and on motion, *Ordered* to be referred to the committee on roads, bridges, ferries &c.

Mr. Crenshaw presented the petition of the citizens of Cahawba praying relief for the purchasers of lots in the town of Cahawba, which was received; and *Ordered* to be referred to the committee on propositions and grievances.

Mr. Powell presented the petition of William Marr and others praying to be exempted from the payment of certain rent therein mentioned, which was received; and on motion, *Ordered*, to be referred to the committee on schools and colleges and school and college lands.

Mr. Clay presented the petition of James Havins and Rachel Talbott administrators of Thomas Talbott, deceased, praying the passage of a law, authorizing them to sell certain lands therein named, which was received; and on motion *Ordered* to be referred to a select committee, Whereupon, Messrs Clay, Fleming and Martin were appointed said committee.

Mr. Philpott presented the petition of William Bradley and Abraham Stout and others, praying the establishment of a Turnpike road therein named, which was received; and on motion, *Ordered* to be referred to the committee on Roads, Bridges, Ferries &c.

Mr. Parham presented the petition of sundry inhabitants of Franklin county, praying the passage of a law authorizing William Crawford and others to erect a certain machinery therein named on Tennessee river, which was received; and on motion, *Ordered* to be referred to a select committee: Whereupon, Messrs Parham, Williams, and Holderness, were appointed said committee.

A Message from the Senate by Mr. Lyon their Secretary.

Mr. Speaker and Gentlemen of the House of Representatives: I am directed, to inform your Honourable Body, that the Senate have concurred in the resolution of the House of Representatives, appointing two members on their part to wait on His Excellency the Governor, and inform him, that the two Houses are organized and ready to receive any communication he may please to make, and that the Senate have appointed on their part, Messrs Dennis and M'Vay.

Mr. Craig presented the petition of Richard Rapier, administrator of Claiborne Mays, deceased; and John Asher, praying the passage of a law authorizing the sale of certain land therein mentioned, which was received; and, on mo-

tion *Ordered*, that the said petition be referred to a select committee: Whereupon, Messrs Craig, Masterson and King were appointed said committee.

Mr. Tagert presented the petition of William Anderson, contesting the election of N. Norwood, which was received; and, on motion, *Ordered* that the said petition be referred to the committee of Privileges and elections.

Mr. Williams presented the petition from sundry inhabitants of the town and county of Tuscaloosa, praying authority to erect a bridge over the Black Warrior river, which was received; and on motion, *Ordered* that the said petition be referred to a select committee: Whereupon, Messrs Williams and Perry were appointed said committee.

Mr. Anderson presented the petition of sundry inhabitants of Lawrence county, praying the establishment of a road therein named, which was received; and on motion, *Ordered*, that the said petition be referred to the committee on roads, bridges, ferries, &c. On motion, *Ordered* that Mr. Holderness be added to the committee on roads, bridges, ferries, &c.

Mr. Davis presented the petition of sundry inhabitants of Shelby county, praying the establishment of a town therein mentioned, which was received, and on motion, *Ordered* that the said petition be referred to the committee on schools and colleges and school and college lands.

Mr. Moore from the committee who were appointed to act with the committee to be appointed by the Senate to wait on His Excellency, the acting Governor, on yesterday, made the following report: That on this day the Senate have appointed a committee on their part, and your committee have met said committee and jointly waited on His Excellency the acting Governor, and informed him, the two Houses are organized and ready to receive any communication he may please to make,--and received for answer, that he would this day, at the hour of eleven o'clock A. M. make a communication in writing to the two Houses in their respective apartments: David Moore, chairman.

Mr. Martin presented the petition of sundry inhabitants of the northern part of the State, praying the establishment of a road therein mentioned, which was received, and on motion, *Ordered* that the said petition be referred to the committee on roads, bridges, Ferries, &c.

A communication from His Excellency, the acting gov-

ernor, by Mr. Pleasants, the Secretary of State; which communication was read, and is as follows:

*Gentlemen of the Senate,
and of the House of Representatives,*

The period for the annual meeting of the Legislative department of the government having again arrived, it becomes the duty of the Executive to lay before you such information as is in his possession, relative to the state of our public affairs, and to recommend, for your consideration, such measures as by him may be deemed expedient, tending to promote the general welfare.

In the discharge of this duty, I have first to inform you, that, the reservation of two Townships of land in conformity with the 4th section of the act of Congress for the admission of this state into the Union, for the purposes of endowing a State University has been completed, and that patents for the same in favor of the state are daily expected; a schedule of the tracts reserved is herewith transmitted marked A.

It will be unnecessary for me to dilate the very great importance to this state, of this act of munificence on the part of the general government, or the immense advantages which the state may derive from a judicious disposition of these lands. The diffusion of knowledge among all classes of our fellow-citizens, is so essential to the happiness of the people and the preservation of our republican institutions, that every thing connected with it, or in any way calculated to favour it, cannot fail to excite the deepest interest and call forth the most anxious solicitude. For myself, I conceive that there is no subject, which will at this session, come under your notice of so much importance, and which will require so great a share of your deliberate consideration; I have not failed to give it my most attentive consideration, and you will, I trust, permit me to give you the result of my reflections.

It will be admitted by all, that our object should be, so to dispose of the land as to ensure the greatest annual income at the least expense. To effect this object, two modes of disposition present themselves; first, to reserve the fee simple of the lands to the state, to lease them, and to seek for the income from the rent; second, to sell them at once and convert the proceeds into a cash capital, to be vested in Bank stock, which may be expected to yield an annual profit; of these two modes, I am decidedly in favor of the latter.

The disadvantages of renting arise from the waste and destruction of the lands, incident to their cultivation, the frequent negligence and indifference of the lessees to the judicious management of the soil, they not feeling a permanent interest in its preservation, the danger of loss of the rent from their occasional insolvencies and want of responsibility; the additional expense of agents in its collection, together with the uncertainty of being able to estimate the probable amount of the annual income; a circumstance which cannot fail greatly to affect the permanence and stability of the institution; many other objections might be urged, but these are in my mind sufficient.

The advantages of a sale and conversion into cash, are, the greater care and facility with which the capital may be managed; the comparatively less expense attending the collection of its profits, the greater certainty of a stated income, and the greater reliance which may be placed upon its duration and continuance as a permanent capital. It is also believed that an additional inducement may be found for a sale of these lands in the fact, that it will have a direct tendency to introduce a much more valuable population than that which may be expected from continuing to rent them, and which cannot fail to add very considerably to the wealth and respectability of the state.

As to the terms upon which the sale should be effected, I have no hesitation in believing that the mode at present pursued, by the United States is decidedly preferable. A sale upon credit has shewn itself from the experience we have had in the sale of lands of the U. S. as well as in some of our sister states, injurious and destructive in its consequences both to the seller and purchaser, and we cannot in my opinion be too cautious in avoiding those consequences. The relation between creditor and debtor is always odious, and to create so large a debt as would be made by the sale of these lands upon credit, would be creating a monster having a direct tendency in its effects to corrupt the body politic.

Admitting that it is good policy to sell these lands for cash, it may still be questioned, whether the present is a favorable time to effect the sales; on this point I am persuaded, that there are no sufficient reasons for delay; it is well known, that the selections have been made with the greatest care and with a view not only to fertility of soil, but to advantages in the locality calculated always to insure a demand for them. The propriety also of taking early measures

for establishing the University, and the necessity, in order to form a judicious plan, of knowing with tolerable accuracy what will be the amount of the Capital Stock, before we commence, are powerful arguments in favor of taking immediate measures for converting the lands into cash; independently of those considerations, I apprehend that another may be found in the tendency which the creation of a State Bank with the funds arising from the sale, will have, to give to our fellow-citizens a sound circulating medium. By authorizing a sale of these lands at some convenient period not far distant, fixing the minimum at a sum so as to ensure a fair price for them (which I should presume might be as high as fifteen dollars per acre.) we shall be enabled to create a fund which may be, through the means of a State Bank, made both profitable to the University, and a great benefit to the community.

The propriety of fixing a high *minimum* I presume will not be questioned: the lands having been selected in different parts of the state, and generally but small quantities lying in any one neighborhood, but little expectation can be entertained, that much more than the price fixed by the government will be obtained; it will also prevent opportunity of combinations among the purchasers to procure them at a price less than their value, and should any tract remain unsold after the sale, they will always be subject to the future disposition of the legislature; and can subsequently be offered for sale at a price correspondent to that which they will command.

I would therefore, respectfully recommend that an act incorporating a State University be passed, vesting the necessary corporate powers in such cases in a board of trustees, with authority to sell at public auction for cash, on the principles of the sales of lands belonging to the United States, the lands reserved for a State University in this State; that provision be made for vesting the funds arising from the sales, in a State Bank, under suitable regulations and provisions, such as the wisdom of the legislature shall devise; that the trustees have authority to locate and commence within a given period (which I would not have farther distant than two years) the erection of suitable buildings for a University, and for that purpose they be authorized to borrow from the bank a competent sum of money to be reimbursed out of the dividends of the stock of the University; I have said that a period of two years ought to intervene before the location be made, presuming that, within

that period the lands may be sold, the bank be put into successful operation, a sufficient knowledge of the different parts of the state acquired, to make a judicious selection, and that the work should be commenced by that time, in order to enable us to educate the rising generation at home, and to carry into effect the objects contemplated by the General Government in the donation they have made.

By adopting a plan similar in principle to the one I have here pointed out, I flatter myself that at no distant period our state may boast a literary and scientific institution, possessing advantages but little, if any, inferior to any of our sister states.

Owing to the provision of the fifth section of the act passed at the late called session of the legislature, amendatory of the act of December last, providing for the assessment and collection of the revenue, which provision extends the time for payments into the Treasury by the collectors until the first day of December next, I am unable to inform you what will be the amount of the receipts into the Treasury for this year; a statement of the disbursements for the expenses of the Government, together with a statement of the receipts will be in due time laid before you by the proper officer of the Treasury department.

The depreciated value of a very considerable portion of our circulating medium, owing to the suspension of specie payments by one of the banks in this state, and the additional embarrassment to the Treasury from the fact that the bills of this Bank are receivable therein in payment of all dues to the state, is a subject of the most serious regret, and calls for some act of legislative correction.

The injustice of compelling the servants of the government to receive payments for the discharge of their laborious duties, in a medium below its nominal value, is apparent, and cannot in good faith, on the part of the legislature, be permitted to continue. The peculiar state of the Treasury required the issuance of warrants in small sums, calculated to serve as a partial medium of exchange, and the fact that these warrants were to be paid in notes of the Huntsville Bank which is at a depreciation of from fifteen to twenty-five per cent. has resulted in reducing the value of Treasury warrants in a corresponding proportion, which falls immediately upon the creditors of the state, and is in reality taking from them in that proportion, their just demands for their services. The peculiar situation of a considerable portion of the inhabitants of the state, who could not, without

great sacrifice, procure any other medium with which to pay their taxes, together with the expectations which were entertained of a resumption of specie payments on the part of the bank, sufficiently justify and explain the policy pursued by the legislature in including it among the banks, the paper of which was authorised to be received in payment of taxes. A farther continuance of this state of things, under the present policy of the bank, cannot, I conceive, be justified. Besides the injustice done to the creditors of the state in sustaining this bank by legislative acts in its present policy, it is conceived to be impolitic as it regards the community at large; the circulation of a paper currency which no longer commands specie operates as a tax upon the agricultural part of the community, nearly, if not equal, to its depreciation below the sound medium of the country; it therefore, behoves a wise legislature to take prompt and effectual measures to eradicate this evil, and in the present instance the duty is the more imperative, when we consider there is no doubt of the solvency of the Bank, and consequently their ability to redeem their notes. It is to be hoped that a remedy may be found, should the arrangement contemplated by the provision for the appointment of commissioners, to receive propositions from the several Banks now in operation in the state, for the purpose of creating a general State Bank, with branches, be carried into effect; should the expectation contemplated from this source fail, I would recommend that the future reception of the bills of this Bank be contingent, and only in the event of their resumption of specie payment within a given period; and as a farther inducement to an early resumption of specie payment, I would also recommend an increase of the tax upon the bank, in the event of a longer continuance of the suspension of specie payments, calculated to destroy the present inducements on the part of the bank to withhold their specie: this course would be in coincidence with the liberality heretofore extended on the part of the legislature towards the bank, and is no more than that justice which is due to the creditors of the state and the community at large requires.

In connection with this subject and with a further view to the introduction of a sound currency into the state, you will permit me to observe that it is believed that one of the greatest reasons which is to be found for the failure to obtain subscriptions to the act incorporating a State Bank, is to be found in the provision vesting the majority in the di-

section of the bank in the legislature; however salutary this provision may be, yet I am persuaded it is so objectionable as to prevent the subscription of the necessary quantity of stock, to carry the bank into operation: I would recommend a modification of that provision of the charter so as to give the state only a power in the direction equal to its interest; should the plan I have suggested for the sale of the University lands be carried into effect, the state will then have a controlling power in the direction; should it not, there are other provisions in the charter which will enable the legislature at all times to exercise a sufficient power in the examination of the proceedings of the bank.

Among the various subjects which will come under your notice, that of the present organization of our Judiciary system cannot fail to attract your attention. The present system of vesting in the Circuit Courts, both chancery and common law jurisdiction, is attended with many and serious objections, and amounts in some counties almost to a denial of justice. The very arduous duties now devolving upon the Judges of the Circuit Courts, together with the great dissimilarity in the mode of proceeding in courts of law and equity, render it impossible for them to render to our citizens that prompt administration of justice for which the courts were created; and in my opinion renders the establishment of a separate chancery court advisable. The additional expense of a chancellor cannot be a serious objection, when the great relief which this court will give to suitors in the speedy decision of causes, which I apprehend will more than counterbalance the additional burthen of the tax, arising from the salary of one Judge.

I am informed, that owing to the short period which the Registers of the several land offices in this State, have had to transact the business arising from the act of Congress for the relief of the purchasers of public lands, there are many persons who have not been able to avail themselves of the benefit of that law; as there can be no doubt but the general government will be disposed to give every person interested in the provisions of the law, an opportunity to take the benefit of it, I would recommend that a memorial setting forth the fact, be addressed to Congress, and praying a further extension of time to effect the object contemplated by the act.

As connected with the subject of relief above alluded to, you will permit me to call your attention to the situation of the holders of certificates for purchases made at the first

sales of lots in the town of Cahawba. It will be recollected that, that sale took place at a time of very general and great prosperity, and under circumstances similar to those which induced the general government to extend the relief granted at the last session of Congress to purchasers of public lands; I would therefore suggest the propriety of the legislature's taking this subject under their consideration, and of enacting such a law as shall be both consistent with justice to the state and liberal to the proprietors of lots in the town.

I herewith transmit for your information sundry documents, marked B, the correspondence between the executives of this state, and the state of Mississippi in relation to the accounts between the two states, growing out of the division of the late Mississippi Territory; from which you will discover that I have been unable to carry into effect the objects contained in the Resolution of the legislature, under which the correspondence has been carried on. It therefore remains with the legislature to pursue such a course as in its wisdom it shall deem just and proper.

I have to inform you, that in conformity with the provisions of an act authorizing the executive to effect a renewal of the loan from the Planters and Merchants Bank of Huntsville, I have effected a continuance of the loan for one year by executing my note to the bank for and in behalf of the state, renewable every sixty days, which will expire on the 24th and 27th days of December next.

In conformity with the act authorizing the governor to cause to be surveyed and sold, any number of lots, not exceeding fifty, on the east side of the Alabama river and opposite the town of Cahawba, I have made a contract for the survey of twenty lots, which are advertised to be sold on the second Monday in January next.

I herewith transmit marked D, sundry resolutions of the General Assembly of the state of Ohio on the subject of certain proceedings of the Bank of the United States against certain officers of that state, which, I am requested by the executive of that state to lay before you.

I also, herewith transmit marked E and F, sundry resolutions of the General Assemblies of the states of Maryland, & New Hampshire, relative to the appropriations of public land for the purposes of education.

I likewise transmit marked G, a memorial of the chiefs of the Chickasaw nation of Indians, praying the passage of laws calculated better to secure their protection, against

outrages committed upon them by white persons, settled on the borders of their land in this state.

The vacancy in the office of Secretary of state, occasioned by the death of Thomas S. Rogers, Esq. the late Secretary, has been filled by the appointment of J. J. Picasanti, Esq. The vacancy in the office of Judge of the county court of Mobile county, occasioned by the resignation of H. M. Rolston, Esq. has been filled by the appointment of Thomas Murray, Esq. The vacancy occasioned by the resignation of Jesse Beene, Esq. Judge of the county court for the county of Dallas has been filled by the appointment of Wm. Aylett, Esq. The vacancy occasioned by the resignation of Edwin D. King, Esq. Judge of the county court of Perry county, has been filled by the appointment of Gabriel Benson, Esq. The vacancy occasioned by the resignation of William B. Wallace, Esq. Judge of the county court of Blount is still vacant. These appointments as made by the executive will expire with the end of the present session of the General Assembly, and it will become your duty to fill the vacancies during the present session.

Returns of the census, as authorized to be taken the present year by existing laws, have not been received but very partially; I am therefore unable at present to give you such information as will enable you to legislate on the subject: so soon as complete returns are received they will be laid before you.

The time having nearly arrived which will put a period to my further discharge of the executive duties, I cannot close this communication without expressing my anxious solicitude for the future peace, prosperity, and happiness of our political community. In the various conflicting constitutional questions which unfortunately have arisen during the time I have been in the discharge of the executive functions, and on which it has fallen to my lot to act, I have always endeavored to form my opinion from the best reasons my abilities could afford, and with a solemn deference and regard to the best interest and harmony of the community at large; and in the course I have thought it my duty to pursue consequent upon these results, I have been actuated by the same motives, leaving to the proper tribunal to decide upon the correctness of the course I have felt bound to pursue; and in retiring from public life, in addition to the satisfaction which I shall always feel of having discharged my duty with fidelity, it will be a further source of pleasure to see that our govern-

ment shall proceed with unanimity, harmony, and with satisfaction to the people.

Cahawba, Nov. 7, 1821.

THOMAS BIBB.

On motion of Mr. Weedon, *Ordered* that two hundred copies of the Governor's communication be printed. On motion of Mr. Williams, *Ordered*, that the Governor's communication be referred to a committee of the whole house, and be made the order of the day for Friday next.

Mr. Craig presented the petition of Samuel D. Mahon, praying a law authorizing him to manumit a certain slave therein named, which was received; and on motion *Ordered*, that the said petition be referred to a select committee: Whereupon, Messrs Craig and Masterson were appointed said committee. Mr. Morton presented the petition of Lewis Tilman, praying a law authorizing him to manumit a certain slave therein named, which was received; and on motion, *Ordered*, that the said petition be referred to the same committee.

Mr. Pickett presented the petition of sundry inhabitants of Autauga praying the establishment of a new county, which was received and on motion, *Ordered*, to be referred, to the committee on county boundaries.

Mr. Fitzpatrick presented the petition of sundry inhabitants of Montgomery praying the establishment of a county therein named, which was received; and, on motion, *Ordered* to be referred to the same committee.

Mr. Hardwicke presented the petition of sundry inhabitants of St. Clair county, praying the establishment of a road therein named, which was received, and on motion, *Ordered*, to be referred to the same committee.

Mr. Duckworth presented the petition of sundry inhabitants of Dallas county, praying the establishment of a county therein named, which was received, and on motion *Ordered*, to be referred to the same committee.

Mr. Tagert presented the petition of Josiah D. Lister Sheriff of Washington County, praying to be exempted from any liability for releasing a prisoner therein named, which was received; and on motion, *Ordered*, that the said petition be referred to the committee of propositions and grievances.

Mr. Moore presented the petition of William Saunders praying extention of time for collecting and paying in, the taxes of Madison county, which was received; and, on motion, *Ordered* to be referred to the committee of ways and means.

Mr. Elmore offered the following resolution: *Resolved*, that the committee of privileges and elections, be instructed to enquire into and report to this House as early as practicable, what members have been elected and returned as members of this House, under the constitution and existing laws. Mr. Weedon moved to amend the said resolution by striking out the words "under the constitution and existing laws." On motion of Morton, *Ordered* that said resolution lie on the table. Mr. Moore offered the following resolution: *Resolved*, that the two branches of the General Assembly convene in the Representative Hall this day at the hour of three o'clock P. M. for the purpose of counting the votes for Governor, and electing a Secretary of State, Comptroller and Treasurer, and that the Senate be requested to concur in the resolution. Mr. Weedon moved to amend the said resolution by striking out the words "this day at three o'clock" and inserting in lieu thereof "at eleven o'clock to-morrow morning;" which was lost. The resolution was then adopted. *Ordered* that Messrs Moore and Williams convey said resolution to the Senate.

Mr. Weedon from the select committee to whom was referred the proceedings between Harriet Dillard and Nicholas Dillard for divorce, reported the following bill:

A bill to be entitled, an Act to divorce Harriet Dillard from her husband Nicholas Dillard; which was read a first time; and on motion of Mr. Weedon, *Ordered*, that the said bill be read a second time to-morrow.

Mr. Carr presented the petition of sundry inhabitants of Monroe, praying the establishment of an additional election precinct in said county, which was received, and on motion, *Ordered*, to be referred to the committee of privileges and elections.

The Speaker laid before the House the proceedings in the case of Nancy Cliff against Jesse Cliff for divorce in the Circuit Court of Madison. On motion, *Ordered*, that the said proceedings be referred to a select committee; Whereupon, Messrs Martin and Fleming were appointed said committee.

Mr. Leake presented the petition of John Montgomery and John Cunningham, administrators of Benjamin C. Benham, deceased, and others, praying authority to sell certain lands therein named, which was received; and on motion, *Ordered*, the said petition be referred to a select committee; Whereupon Messrs Leake and Vining were appointed said committee.

Mr. Pickett offered the following resolution: *Resolved*, that there be a committee of divorce and alimony appointed--- adopted. Whereupon Messrs Pickett, Craig and Vining were appointed said committee. The House then adjourned till three o'clock.

Evening Session.

The House met pursuant to adjournment. *Ordered* That Messrs Anderson, Morton and Carr be added to the committee of privileges and elections.

Ordered, that Mr. Philpott be added to the Military committee.

Ordered, that the petition of the Intendant and council of the lower part of the town of Tuskalooza, be referred to the committee of propositions and grievancies.

A Message from the Senate by Mr. Lyon, their Secretary:

Mr. Speaker---I am directed to inform your Honourable Body, that the Senate have concurred in the resolution passed by the House of Representatives, proposing to meet the Senate at the hour of three o'clock, this evening in the Representative Hall, for the purpose of counting the votes for Governor, electing a Secretary of State, Comptroller of public accounts, and Treasurer of the State; so far as the same relates to counting out the votes for Governor; and have disagreed to the said resolution so far as the same relates to the election of Secretary of State, Comptroller and Treasurer. Mr. Perry moved, that the House concur in the amendments made by the Senate which was lost. Mr. Weedon moved, that the Senate be informed thereof--- carried.

Ordered, that Messrs Miller and Masterson be added to the Judiciary committee.

On motion of Mr. Moore, *Ordered* that the several memorials which relates to plans for digesting the laws of this State be referred to the Judiciary committee.

On motion of Mr. Clay, *Resolved* that the Door-keeper of this House be instructed to attend the committees when the House is not in session: and that he be further instructed to keep one servant always in attendance to make fires in the House and committee rooms, and to perform such other service as may be necessary.

The Speaker laid before the House the proceedings in the case of Elizabeth Caley and Henry Edward Caley for divorce, in the Circuit Court of Cotaco. *Ordered*, that the said proceedings be referred to the Judiciary committee.

Message from the Senate by Mr. Lyon, their Secretary.

Mr. Speaker: I am directed to inform your Honourable Body, that the Senate adhere to their amendment made to the resolution of the House of Representatives, proposing to go into the election of certain officers therein named. On motion of Mr. Weedon, *Ordered*, that the House insist on their disagreement to the amendments made by the Senate to the said resolution. *Ordered*, that Messrs Moore and Greening inform the Senate thereof.

On motion of Mr. Weedon, *Resolved*, that the credentials of the members elected to this House be referred to the committee of privileges and elections.

Ordered, that Messrs Hardwicke and Fitzpatrick be added to the committee on county boundaries.

Ordered, that Mr. Dale be added to the committee of privileges and elections.

Mr. Perry moved the following resolution: *Resolved*, that a committee of members on the part of this House be appointed to confer with such committee as may be appointed on the part of the Senate, to agree upon the time when the votes for Governor shall be counted, the Secretary, Comptroller and Treasurer, elected. On motion of Mr. Williams, *Ordered*, that the said resolution lie on the table. The House then adjourned till to-morrow morning 10 o'clock.

Thursday November 3, 1821.

The House met pursuant to adjournment.

Mr. Edmondson presented the petition of sundry inhabitants of Lauderdale, praying to add a part of Lauderdale to Limestone county, which was received; and, on motion, *Ordered*, that said petition be referred to the committee on county boundaries.

Mr. Vining presented the petition of sundry inhabitants of Madison county, praying the passage of a law authorizing the building of a house of worship on college land, which was referred to the committee on schools and colleges, and school and college lands.

Mr. Jones presented the petition of sundry inhabitants of Bibb, praying the General Assembly to pass a law to establish the seat of Justice of Bibb in the centre thereof. On motion, *Ordered*, that said petition be referred to the committee on county boundaries.

Mr. Edmondson presented the petition of J. B. Elliott, praying to have leave to retail spiritous Liquors without licence. On motion, *Ordered*, that said petition be referred to the committee of propositions and grievances.

Mr. Pickett from the committee on privileges and elections, to whom was referred the petition of Amos A. Allen, protesting the election of Nathaniel Norwood from the townships of Marengo and Greene, *Report*, that they have had the same under consideration, and have received no evidence of any illegality or improper conduct in the management of said election, they are therefore of opinion, that the said Nathaniel Norwood, the sitting member, is entitled to his seat.

Wm. R. Pickett, chairman.

7, November 1821.

On motion of Mr. Morton the House concurred in said report.

Mr. Graham, from the select committee to whom were referred the proceedings in the case of Elizabeth and William Bagby, reported the following bill: A bill to be entitled an Act approving and confirming the decision and decree of the Circuit Court of Conecuh county, exercising chancery jurisdiction, pronounced and entered at September term 1821, divorcing William Bagby from his wife Elizabeth Bagby, which was read a first time, and ordered to be read a second time on to-morrow.

Ordered, That Messrs. Jones and Graham be added to the committee on county boundaries.

Ordered, That Mr. Craig be added to the Judiciary committee.

Ordered, That Mr. King be added to the Military committee.

Mr. Hardwicke moved the following resolution: *Resolved*, That at the hour of eleven o'clock this day, the Senate convene in the Representative chamber for the purpose of counting out the votes for Governor. Mr. Williams moved to amend the said resolution by striking out all the words after "*Resolved*," which was carried. Mr. Williams moved to amend the said resolution by adding, after the word "*Resolved*," the following words: "That the House of Representatives with the concurrence of the Senate will on this day, at the hour of 12 o'clock, proceed to count out the votes for Governor, at which time the Senate are requested to assemble in the Representative chamber," which amendment was adopted. *Ordered*, That the Senate be acquainted therewith. Whereupon Messrs. King and Williams were appointed to convey said resolution to the Senate.

Mr. Williams moved the following resolution: *Resolved*, That the House of Representatives, with the concurrence of the Senate, will on this day at the hour of 3 o'clock P.

M. proceed to elect a Secretary of State, Comptroller and Treasurer, at which time the Senate are requested to assemble in the Representative chamber; which was adopted. *Ordered*, That Messrs. King and Williams acquaint the Senate therewith.

Ordered, That Messrs. Crenshaw, Ayers, Williamson and Dabney, be added to the committee on county boundaries.

Ordered, That Mr. Crenshaw be added to the committee of propositions and grievances.

Ordered, That Mr. Brown be added to the Military committee.

Ordered, That Messrs. Elmore and Skinner be added to the committee on Schools and Colleges, and School and College lands.

A bill to be entitled, an Act to divorce Harriet Dillard from her husband Nicholas Dillard, was read a second time; and *Ordered*, That it be engrossed, and made the order of the day for its third reading to-morrow.

Mr. Morton obtained leave to bring in a bill to be entitled an Act to alter the mode of elections by the people; which was read a first time, and *Ordered*, to be read a second time to-morrow.

Mr. Masterson obtained leave to bring in the following bill: A bill to be entitled, an Act to establish additional election precincts in Lauderdale county; which was read the first time, and *Ordered*, to be read a second time to-morrow.

Mr. Masterson obtained leave to introduce the following bill: A bill to be entitled an Act to reduce and regulate the rate of interest; which was read a first time, and *Ordered*, to be read a second time to-morrow.

Ordered, That Mr. Thompson be added to the committee of Ways and Means.

Message from the Senate by Mr. Lyon, their Secretary. *Mr. Speaker*, I am directed to inform your honourable body, that the Senate have concurred in the resolution of the House of Representatives, proposing to meet the House of Representatives in the House of Representatives hall at the hour of 12 o'clock, for the purpose of counting the votes for Governor; and at the hour of 3 o'clock, for the purpose of electing a Secretary of State, Comptroller, and State Treasurer. On motion of Mr. Williams, *Ordered*, That the Senate be informed, that the House is now ready to receive them; whereupon, Messrs. Williams and Perry were appointed to inform the Senate thereof. The Senate having convened in the hall of the House of Representa-

tives, the Speaker proceeded to count out the votes for Governor, which were as follows:

	PICKENS.	CHAMBERS.
The County of Limestone,	169	886
Autauga	330	185
Shelby	59	251
Baldwin	98	96
Blount	510	566
Clark	569	42
Washington	245	232
Monroe	931	106
Marengo	713	86
Franklin	329	253
Dallas	454	393
Marion	158	16
Conecuh	569	39
Jackson	392	625
Laurel	308	258
Madison	948	1168
Montgomery	531	216
St. Clair	359	165
Lawrence	516	431
Tuskaloosa	716	377
Mobile	89	93
Morgan	403	316
Bibb	215	287
	<hr/> 9616	<hr/> 7129

Whereupon, *Mr. Speaker* declared, that Israel Pickens, Esquire, was duly elected Governor and Commander in Chief of the State of Alabama, by a majority of two thousand, four hundred and eighty seven votes.

Mr. Williams moved the following resolution:

Resolved, that a committee be appointed on the part of the House of Representatives, together with such committee as may be appointed on the part of the Senate, to wait on His Excellency Israel Pickens, and inform him that he is duly elected Governor and commander in chief of the State of Alabama. Messrs Williams and Pickett were appointed to convey said resolution to the Senate.

Ordered, that the House adjourn till half past 2, o'clock.
Evening Session.

The House met pursuant to adjournment.

Message from the Senate, by Mr. Lyon, their Secretary:

Mr. Speaker: I am directed to inform your Honourable body, that the Senate have concurred in the resolution of the House of Representatives, proposing to appoint a committee to act with such committee as may be appointed on the part of the Senate, to wait on His Excellency Israel Pickens, and inform him that he is duly elected Governor and commander in chief of the State of Alabama, and that

the Senate have appointed on their part Messrs Chambers, Dennis and Elliott.

On motion of Mr. Greening, *Resolved*, unanimously, that the thanks of this House be presented to His Excellency the acting Governor, for the ability with which he has discharged the arduous duties of chief magistrate; and that this House duly appreciate the patriotic motives, by which he has been governed in entering upon and continuing in the discharge of the executive duties up to this time.

On motion of Mr. Hardwicke, *Resolved*, that the Senate be informed, that this House is now ready to receive them, to go into the election of Treasurer, Secretary of State and Comptroller. Messrs Hardwicke and Greening were appointed to convey said resolution to the Senate.

On motion of Mr. Greening, *Ordered*, that two members be appointed to wait on the acting Governor, and present him with the *Resolution* conveying the thanks of this House to him.

The Senate having assembled in the Hall of the House of Representatives, both Houses proceeded to the election of a Secretary of State: Jesse Beene, Walter O. Bickley and James J. Pleasants being in nomination. Those who voted for Mr. Beene, are

Messrs Dennis, Elliott, Gause, Rose, Trotter, [of the Senate.] Bagby, Beene, Dabney, Elmore, Fitzpatrick, Graham, Jones, Pickett, Perry, Skinner, Williamson, Kennedy.—17.

Those who voted for Mr. Bickley, are Messrs President, Casey, Chambers, Hogg, & Wingate, [of the Senate.] Mr. Speaker, Crenshaw, Dale, Duckworth, Greening, Magoffin, Norwood, Tagert, Thompson.—14.

Those who voted for Mr. Pleasants, are Messrs Conner, Davis, Deveaux, Garth, Hanby, Lucas, Lanier, M'Vay, [of the Senate.] Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Carr, Clay, Craig, Davis, Edmondson, Fleming, Hardwicke, Holderness, Hopkins, King, Leake, Montgomery, Murrell, Maxterson, Miller, Moore, Morton, Martin, M. Henry, Powell, Philpott, Parham, Smith, Vining, Weedon, Williams.—40.

Whereupon Mr. Speaker declared Mr. Pleasants duly elected.

Both Houses then proceeded to the election of a Treasurer. John C. Perry, Pascal Harrison and Willis Roberts, being in nomination, the votes were as follows: Those who voted for Mr. Perry, are

Messrs Conner, Davis, Garth, Lanier, M'Vay, Trotter, [of the Senate.] Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Clay, Davis, Edmondson, Fleming, Holderness, Hopkins, King, Magoffin, Murrell, Miller, Moore, Morton, Martin, M'Henry, Powell, Perry, Skinner, Smith, Tagert, Vining.—32.

Those who voted for Mr. Harrison, are Mr. President, Chambers, Elliott, Gause, Hanby, Lucas, Rose, Wingate, [of the Senate.] Mr. Speaker, Bagby, Beene, Carr, Crenshaw, Dabney, Dale, Duckworth, Fitzpatrick, Greening, Hardwicke, Jones, Kennedy, Montgomery, Philpott, Parham, Thompson, Weedon, Williams, Williamson.—28.

Those who voted for Mr. Roberts, are Messrs Casey, Devereux, Dennis, Hanby [of the Senate], Craig, Elmore, Graham, Leake, Masterson, Norwood, Pickett—11.

There not being a constitutional majority for any one candidate, the Speaker declared there was no election.

Mr. Roberts having been withdrawn, the two houses again proceeded to the election, when the votes stood thus:

Those who voted for Mr. Perry, are Messrs. Conner, Davis, Garth, Lannier, M'Vay, Trotter, [of the Senate] Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Clay, Craig, Davis, Edmondson, Fleming, Holderness, Hopkins, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, M'Henry, Powell, Perry, Skinner, Smith, Tagert, Vining, Williams—36.

Those who voted for Mr. Harrison, are Mr. President, Casey, Chambers, Devereux, Dennis, Elliott, Gafise, Hanby, Hogg, Lucas, Rose, Wingate, [of the Senate] Mr. Speaker, Bagby, Beene, Carr, Crenshaw, Dabney, Dale, Duckworth, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Jones, Kennedy, Montgomery, Norwood, Pickett, Philpott, Parham, Thompson, Weedon, Williamson—35.

Mr. Perry having a constitutional majority, he was declared by the Speaker duly elected Treasurer of the state of Alabama.

The two houses then proceeded to the election of a comptroller of public accounts, Samuel Pickens being the only person in nomination, and every member voting for him, he was declared by the Speaker unanimously elected comptroller of public accounts.

Ordered that the House adjourn, till to morrow morning 10 o'clock.

Friday, November 9.

The House met pursuant to adjournment.

Mr. Moore presented the petition of Maria Evans, praying the passage of a law manumitting her husband, a slave, which was received; and *Ordered*, to be referred to a select committee: Whereupon, Messrs. Moore and Fleming were appointed said committee.

Mr. Barclay presented the petition of sundry inhabitants of Jackson, praying the passage of a law authorizing William Hainey to keep a billiard table free of taxation, which was received; and *Ordered*, that the said petition be referred to the committee of propositions and grievances.

Mr. Brown presented the petition of sundry inhabitants of St. Clair, praying the passage of a law attaching a part of said county to Jackson, which was received; and *Ordered*, that the said petition be referred to the committee on county boundaries.

Message from the Senate, by Mr. Lyon, their secretary: Mr. Speaker, I am instructed by the Senate to inform your

honorab!e body, that they have passed the following resolution: *Resolved*, that a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House of Representatives, to wait on the Governor and inform him, that both houses have met and are ready to receive him for the purpose of taking the oaths of office; and on their part they have appointed Messrs. Casey, Rose and Chambers.

Which resolution was ordered to lie on the table.

Mr. Williams from the committee appointed on the part of this House, to meet such committee as may be appointed on the part of the Senate, to wait on His Excellency Israel Pickens, to inform him that he was duly elected governor of the state of Alabama; Reported, that the joint committee had proceeded to discharge their duty, and were informed by His Excellency, that he would be ready to take the oaths of office at eleven o'clock this day.

The resolution from the Senate appointing a committee to meet a committee on the part of this House to wait on the Governor and inform him, that both had met and were ready to receive him was taken up and agreed to.

Ordered, that Messrs. Craig and Pickett be appointed on the part of this House, to join the committee on the part of the Senate, to wait on His Excellency.

Mr. Morton obtained leave to introduce the account of W. Minor, which was received; and on motion, *Ordered*, to be referred to the committee on accounts.

Mr. Leake from the select committee, to whom was referred the petition of the administrators of Benjamin C. Benham, deceased, reported the following bill:

A Bill to be entitled, an act to authorize the administrators of the late Benjamin C. Benham, deceased, of Limestone county, to sell a tract of land therein designated.

Which was read a first time; and *Ordered* to be read a second time to morrow.

On motion of Mr. Moore, *Ordered*, that the documents accompanying the Governor's communication be read.

Mr. Craig moved, that the further reading of the documents be postponed; which was carried.

Mr. Greening, from the committee who were appointed to wait on His Excellency the acting governor, and present him with the resolution of this House conveying their thanks to him, reported, that said committee had waited on His Excellency, who returned the following answer:

Executive Office, Cahawba, Nov. 9, 1821.

GENTLEMEN; You will permit me to express to you and through you to the House of Representatives, my unfeigned thanks for the expression of approbation contained in the resolution of that honourable body, you have this morning presented me. The countenance and support of my fellow citizens, is at all times the most grateful and sufficient return for the responsibility of office; and is to me in this instance, a peculiar gratification, as coming from the immediate representatives of the people.

I have the honor to be, your most ob't humble servant,
THOMAS BIBB.

To Messrs. GREENING & VINING,
A Committee, &c.

Mr. Craig moved, That a message be sent to the Senate to inform them that this House is ready to receive them, and proceed to administer the oaths of office to His Excellency Israel Pickens.

The Senate having repaired to the hall of the House of Representatives. His Excellency entered the bar of the House, and Mr. Speaker as by law directed, administered the several oaths to him; after which His Excellency arose and addressed both Houses.

On motion of Mr. Williams, *Ordered*, that a committee be appointed to wait on His Excellency, Israel Pickens, and request a copy of his inaugural address, for the purpose of publication.

Whereupon, Messrs. Williams and Greening were appointed said committee.

Ordered, that Mr. Miller be added to the committee of propositions and grievances.

Mr. Williams from the committee appointed to wait on the Governor and request a copy of his inaugural address, reported, That the committee had waited on His Excellency who informed them that he would furnish a copy to the House of Representatives.

Mr. Powell obtained leave to introduce the following bill: A bill to be entitled, An act to provide effectually for the payment of specie, by the several banks in this state, and to prevent the emission and circulation of change bills and the notes of unchartered banks; which was read a first time; and, *Ordered*, to be made the order of the day for Monday next.

Mr. Evans a member from Monroe appeared, was qualified and took his seat.

Ordered. That Mr. Leake be added to the committee on roads, bridges, ferries, &c.

A bill to be entitled, an act to divorce Harriet Dillard from her husband Nicholas Dillard, was read a third time.

Mr. Perry moved, to postpone the further consideration of said bill, indefinitely, which was lost. The bill was then passed. Mr. Weedon moved to reconsider the vote on the passage of the said bill, which was carried. Mr. Weedon moved to amend the title of the said bill by adding the following words: An act confirming a decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced in March term, 1820, divorcing Harriet Dillard from her husband, Nicholas Dillard; which amendment was adopted. The question was then put on the passage of the bill; and two thirds of the House voting for it, it was passed.

Ordered. That Messrs. Moore, Clay and Williamson be added to the judiciary committee.

A bill to be entitled, An act approving and confirming the decision and decree of the circuit court of Conecuh county exercising chancery jurisdiction, pronounced and entered at September term, 1821, divorcing William Bagby from his wife Elizabeth Bagby, was read a second time.

Mr. Martin moved the following amendment: *Be it further enacted,* That the bonds of matrimony heretofore solemnized and subsisting between Nancy Clift and her husband Jesse Clift be, and they are hereby annulled, and made void; and that the said Nancy Clift be divorced from her husband Jesse Clift, which was adopted. *Ordered* to be referred to a select committee; Whereupon, Messrs. Graham, Moore and Martin were appointed said committee.

A bill to be entitled an act to alter the mode of elections by the people, was read a second time. Mr. Weedon moved, That the further consideration of the said bill be indefinitely postponed; which was decided in the affirmative. The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Ayers, Beepé, Brown, Crenshaw, Craig, Dabney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Hardwicke, Jones, Kennedy, Magoffin, Miller, Pickett, Powell, Perry, Parham, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson—30.

Those who voted in the negative are,

Messrs. Anderson, Bagby, Barclay, Carr, Clay, Davis, Edmondson, Fleming, Greening, Graham, Holderness, Hopkins, King, Leake, Montgomery, Murrell, Masterson, Moore, Morton, Martin, McHenry, Norwood, Philpott, Skinner—24.

A bill to be entitled, an Act to reduce and regulate the rate of interest, was read a second time. Mr. Greening

moved, that the further consideration of the said bill be indefinitely postponed; which was decided in the affirmative. The ayes and nays being called for, those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Harawicke, Holderness, Hopkins, Jones, Kennedy, King, Magoffin, Murrell, Moore, Martin, McHenry, Norwood, Pickett, Powell, Philcott, Perry, Packham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson—13.

Those who voted in the negative are, Messrs. Bagby, Leake, Montgomery, Masterson, Miller, Morton—5.

Ordered, That the House adjourn, till to-morrow morning 10 o'clock.

Saturday, November 10, 1821.

The House met pursuant to adjournment.

Mr. Graham presented the petition of sundry inhabitants of Dallas, praying that no alteration may be made in the boundaries of said county, which was received; and, on motion, *Ordered*, to be referred to the committee on county boundaries.

Message from the Senate, by Mr. Lyon, their Secretary: *Mr. Speaker*, I am instructed to inform your honourable body, that the Senate have passed the following resolution: *Resolved*, That a committee be appointed to act with such committee as may be appointed by the House of Representatives, to examine and report the situation of the public arms. *Ordered*, That the House agree to said resolution. Whereupon, Messrs. Armstrong and Elmore were appointed said committee.

Mr. Edmondson presented the account of Th. H. May, jailer of Limestone county, which was received, and *Ordered*, To be referred to the committee on claims.

Mr. Pickett from the committee of privileges and elections to whom were referred the credentials of the members of this House, reported, that the committee to whom were referred the credentials of the members of the House of Representatives, have performed the duty assigned to them, and beg leave to report, that the following members were duly elected.

From the county of Blount—Moses Ayers, Washington Allen and John Brown.

From the county of Baldwin—Elijah Montgomery.

From the county of Shelby—Benjamin Davis and Thomas McHenry.

From the county of Autauga—John A. Elmore and William R. Pickett.

From the county of Limestone---Quin Morton, Benjamin Murrell and William Edmondson.

From the county of Washington---James Tagert and James Thompson.

From the county of Bibb---Jonathan Jones.

From the county of Mobile---Francis W. Armstrong.

From the county of Tuscaloosa---Marmaduke Williams, Levin Powell and Sion L. Perry.

From the county of Lawrence---Matthew Clay and Hugh A. Anderson.

From the county of St. Clair---James Hardwicke.

From the county of Montgomery---Joseph Fitzpatrick, George Dabney and Peter Williamson.

From the county of Lauderdale---John Craig and G. Masterson.

From the county of Jackson---Booker Smith, G. W. Hopkins and William Barclay.

From the county of Conecuh---Eldridge S. Greening and John E. Graham.

From the county of Marion---Lemuel Beene.

From the county of Dallas---Walter Crenshaw and Randal Duckworth.

From the county of Franklin---William W. Parham and Theophilus Skinner.

From the county of Marengo---N. Norwood.

From the county of Monroe---Thomas Evans, James Dellet, Samuel Dale, John Carr and A. P. Bagby.

From the county of Morgan---McKenny Holderness and Horatio Philpott.

From the county of Madison---Thomas Miller, John M. Leake, John Martin, William Fleming, David Moore, John Vining and Henry King.

Your committee beg leave further to report, that Frederick Weedon, who has taken his seat, from the county of Madison, has stated to your committee, that he neglected to procure his credentials from the Sheriff of his county, under the impression, that that Officer has forwarded on a return of his election to the Secretary of State; that since his arrival, he has been informed, that no such return has been received by the latter officer: Your committee has received the certificate of James J. Pleasants esq. Secretary of State, who was one of the clerks of the election for said county of Madison, stating that said Frederick Weedon was duly elected: We therefore are of opinion, that said Frederick Weedon is entitled to a seat in this House.

Wm. R. Pickett, chairman.

Ordered, That this House do concur in said report.

Mr. Fitzpatrick from the committee of propositions and grievances, to whom was referred the petition of William Hainey, presented the following report: The committee of propositions and grievances, to whom was referred the petition of William Hainey praying an Act to be passed for him to keep a billiard table without paying taxes, has had the same under consideration and beg leave to report the prayer of the petitioner unreasonable, and ought not to be granted.

Joseph Fitzpatrick, chairman.

Mr. Weedon moved, that the House disagree to said report; which was lost. *Ordered*, that the House concur in said report.

Mr. Moore from the select committee to whom was referred the petition of Maria Evans, reported the following bill:

A bill to be entitled, an Act emancipating a certain negro man slave, named Richard Evans, which was read a first time; and, *Ordered* to be read a second time on Monday next.

Mr. Fitzpatrick from the committee of propositions and grievances to whom was referred the petition of J. D. Lister, reported the following bill: A bill to be entitled, an act for the relief of Josiah D. Lister, Sheriff of Washington county; which was read a first time; and, *Ordered*, to be read a second time on Monday next.

Mr. Clay from the select committee to whom was referred the petition of the administrators of Thomas Tolbert deceased, reported the following bill: A Bill to be entitled, an Act to authorize the administrator and administratrix of Thomas Tolbert, deceased to sell certain real estate, which was read a first time, and *Ordered* to be read a second time on Monday next.

Mr. Graham from the select committee to whom were referred the proceedings in the case of William and Elizabeth Bagby, and also the case of Nancy and Jesse Clift, reported the following bill: A bill to be entitled an Act divorcing certain persons therein named; which was read a second time; and *Ordered* to be engrossed, and made the order of the day for its third reading on Monday next.

Mr. Moore offered the following resolution: *Ordered*, that the Speaker assign seats within the bar of this House, to His Excellency the Governor of this State, the late acting Governor, and the Judges of the Supreme Court. Mr. Crenshaw moved to amend the said resolution by striking out the words "Judges of the Supreme Court," which was lost. The resolution was then lost.

Mr. Crenshaw offered the following resolution: *Resolved*, That William B. Allen, the present State Printer, be re-appointed to that office for the term of one year, commencing from the expiration of his present term of office. *Ordered*, That the said resolution lie on the table.

The Speaker laid before the House the proceedings in a case of divorce between Polydore Naylor, and Elizabeth Naylor. *Ordered*, That said proceedings be referred to the committee of divorce and alimony.

A bill to be entitled an act to authorize the administrators of the late Benjamin C. Benham, deceased, to sell a tract of land therein named, was read a second time; and, on motion, *Ordered*, to be engrossed, and made the order of the day for Monday next.

Ordered, That Mr. Williams be added to the committee of propositions and grievances.

The House took into consideration the bill to be entitled an act to establish additional election precincts in Lauderdale county: *Ordered*, to be referred to a select committee; whereupon, Messrs. Craig, Greening and McHenry were appointed said committee.

Mr. Williamson offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of establishing a uniform mode, by which executors and administrators may dispose of real estate, under the direction of the Judge of the Circuit Court; which was adopted.

On motion of Mr. Williams, the House agreeably to a previous order, resolved itself into a committee of the whole House, on the communication of His Excellency, the acting Governor; and after sometime spent in the consideration thereof, the committee rose, and Mr. Williams obtained leave to report on Monday next.

Mr. Winn, the assistant clerk to this House, resigned his place, which was accepted by the House. *Ordered*, That the House proceed to the election of an assistant, to fill the vacancy occasioned by the resignation of Mr. Winn. The House then proceeded to the election of an assistant clerk, when Mr. Speaker, pronounced Matthew Gayle duly elected.

Ordered, That the House adjourn till Monday morning 10 o'clock.

Monday, Nov. 12.

The House met pursuant to adjournment.

Mr. Moore presented the petition of sundry inhabitants

of Madison, praying the establishment of a separate court of chancery, which was received; and, on motion, *Ordered*, to be referred to the judiciary committee.

Mr. Fitzpatrick from the committee of propositions and grievances, to whom was referred the petition of John A. Elliott, *Reported*, That the prayer of the petitioner is unreasonable, and ought not to be granted. *Ordered*, That the House concur in said report.

Mr. Perry from the select committee, to whom was referred the petition of the administrators of Robert Morrow, deceased, reported the following bill: A bill to be entitled an act authorizing the administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein named, which was read a first time; and, on motion, *Ordered*, That the said bill be read a second time to morrow.

Mr. Williams from the committee of the whole to whom was referred the message of His Excellency the acting Governor, reported the following resolution:

Resolved, That so much of the said message as relates to the assessment, and collecting of taxes---the revenue of the State---and depreciation of the circulating medium---and Comptrollers warrants, be committed to the committee of ways and means.

Resolved, That so much of the said message as relates to the charter of the State Bank, be referred to a select committee: Messrs. Armstrong, Moore and Crenshaw were appointed said committee.

Resolved, That so much of the said message as relates to memorializing Congress for the relief of purchasers of public land, be referred to a joint committee of both houses of the General Assembly.

Resolved, That so much of said message as relates to the establishment of a separate court of chancery, be referred to the judiciary committee.

Resolved, That so much of the said message as relates to college lands, and the establishment of a State University, be referred to the committee on schools and colleges, and school and college lands.

Resolved, That so much of the said message as relates to extending relief to the purchasers of lots in the town of Cahawba, be referred to the committee of propositions and grievances.

Resolved, That so much of the said message as relates to the Chickasaw Indians, be referred to the committee of propositions and grievances.

Resolved, That so much of the said message as relates to

the unsettled accounts between this State and the State of Mississippi, be referred to the committee of accounts.

Resolved, That so much of the said message as relates to the resolutions of the General Assembly of the State of Ohio, on the subject of certain proceedings of the Bank of the United States; be referred to a select committee.---- Messrs. Greening, Craig and King, were appointed said committee.

Resolved, That so much of the said message as relates to sundry resolutions from the General Assembly of Maryland and New-Hampshire, be referred to a select committee.---- Messrs. Bagby, Fleming and Smith were appointed said committee. *Ordered*, That the House concur in said report.

Mr. Parham from the select committee, to whom was referred the petition of William Crawford and others, reported the following bill: A bill to be entitled an act to authorize William Crawford and company, of Franklin county, to build a mill and other water works on the Tennessee river; which was read a first time; and, on motion, *Ordered*, That the same be read a second time to-morrow.

Mr. Williams from the committee to whom was referred the petition of sundry inhabitants of Tuscaloosa, reported the following bill: A bill to be entitled an act to authorize William G. Parish, David Johnson, Otis Dyer, Benjamin Clements and their associates, to erect a toll bridge across the Black Warrior river at the falls of the town of Tuscaloosa; which was read a first time; and *Ordered*, That the same be read a second time to-morrow.

Mr. Smith obtained leave to introduce the following bill: A bill to be entitled an act to amend an act giving jurisdiction to certain counties therein named, over that part of the Cherokee lands lying within the limits of the State of Alabama; which was read a first time, and *Ordered*, That the same be read a second time to-morrow.

Mr. Craig from the committee to whom was referred the subject of drafting rules of decorum for this House, reported, sundry rules. *Ordered*, That the said report lie on the table.

The following bill was received from the Senate: An act to appoint commissioners to ascertain, correctly, the boundary line between the counties of Jefferson and Blount, which was read a first time; and, on motion, *Ordered*, That the same be read a second time to-morrow.

Mr. Weedon obtained leave to introduce the following

bill: A bill to be entitled an act to repeal part of an act therein named, which was read a first time, and *Ordered*, That the same be read a second time to-morrow.

Mr. Crenshaw obtained leave to introduce the following bill: A bill to be entitled an act to regulate the mode of taking appeals to the Supreme Court; which was read a first time, and *Ordered*, That the same be read a second time on Wednesday next. *Ordered*, That the same be printed.

Mr. Weedon obtained leave to introduce the following bill: A bill to be entitled an act to authorize the issuing of treasury notes; which was read a first time, and *Ordered*, That the same be read a second time on Thursday next.

Mr. Norwood obtained leave to introduce the following bill: A bill to be entitled an act to alter and amend the act entitled an act to organize the militia of the State of Alabama -- read a first time, and *Ordered*, That the same be read a second time to-morrow.

The Speaker laid before the House the proceedings of the Circuit Court of Dallas, in the case of J. B. Lorez and Jane Lorez for divorce. *Ordered*, That the same be laid before the committee of divorce and alimony.

A bill to be entitled an act to authorize the administrators of Benjamin C. Benham, deceased, of Limestone county, to sell a tract of land therein designated, and for other purposes, was read a third time. Mr. Weedon moved the following amendment, by way of rider.

And be it further enacted, That it shall be lawful for the administrators of William A. Rogers, late of Madison county, to sell at public sale, all or so much of the estate, that the said Rogers died seized and possessed of, which he purchased of Samuel Dixon, on a credit corresponding with the payments yet due to said Dixon for said purchase, giving at least thirty days notice in the Alabama Republican; which amendment was read three several times and adopted. The question then being put, shall this bill pass? It was decided in the affirmative. *Ordered*, That the title of said bill be changed from that of "a bill" to that of "an act." *Ordered*, That the same be sent to the Senate.

The House took into consideration a bill to be entitled an act, divorcing certain persons therein named. *Ordered*, That the same lie on the table.

A bill to be entitled an act to authorize the administrator and administratrix of Thomas Tolbert, deceased, to sell and convey certain real estate; which was read a second time,

and on motion, *Ordered*, That the same be engrossed, and made the order of the day for a third reading to-morrow.

The House took into consideration the bill to be entitled an act to provide effectually for the payment of Specie, by the several banks in this State, and to prevent the emission and circulation of change bills, and the notes of unchartered banks. On motion of Mr. Powell, *Ordered*, That the same be referred to the committee of ways and means.

A bill to be entitled an act for the relief of Josiah D. Lister, Esquire, sheriff of Washington county, was read a second time; and, on motion of Mr. Crenshaw, *Ordered*, to be recommitted to the committee of propositions and grievances.

A bill to be entitled an act to authorize Maria Evans to emancipate a certain slave named Richard Evans, was read a second time; and, *Ordered*, That the same be engrossed for its third reading to-morrow.

Ordered, That Messrs. Greening and Morton be added to the committee on schools and colleges and school and college lands.

Ordered, That Messrs. Evans, Magoffin and Smith, be added to the committee of ways and means.

Ordered, That the House adjourn till to-morrow morning 9 o'clock.

Tuesday, November 13, 1821.

The House met pursuant to adjournment.

Mr. McHenry presented the petition of sundry inhabitants of Shelby and St. Clair counties, praying the extension of the line between said counties to Kelly's creek--- which was received; and, on motion, *Ordered*, That the said petition be referred to the committee on county boundaries.

Mr. Crenshaw presented the petition of sundry inhabitants of Dallas, praying that no alteration may take place in the boundary of said county; which was received, and *Ordered*, to be referred to the same committee.

Mr. Fitzpatrick from the committee of propositions and grievances to whom was referred a bill to be entitled an act for the relief of Josiah D. Lister, Esq. sheriff of Washington county, reported the same as amended; which bill was read a second time; and *Ordered*, That the same be engrossed, and made the order of the day for its third reading to-morrow.

Mr. Crenshaw from the judiciary committee, to whom was referred the petition of Elizabeth Caley, made the fol-

lowing report: The judiciary committee to whom was referred the petition of Elizabeth Caley, praying for a divorce from her husband H. E. Caley, beg leave to be discharged from the further consideration of the same; and recommend to the House, that the said petition be referred to the committee of divorce and alimony.

W. Crenshaw, Chairman.

Ordered, That the House concur in said report, and that the said petition be referred to the committee of divorce and alimony.

Mr. Crenshaw from the Judiciary committee, to whom was referred the resolution of the House, directing them to inquire into the expediency of establishing a uniform mode by which executors and administrators may dispose of real estate under the direction of the Judge of the circuit court; made the following Report, that they have had the same under consideration, and are of opinion, that it is inexpedient at this time to pass any general law, authorizing executors and administrators to sell real estate.

W. Crenshaw, chairman.

Ordered, That the House concur in said report.

Mr. Leake, from the committee on county boundaries, reported the following bill: A bill to be entitled an act to alter and extend the boundaries of Limestone county, which was read a first time; and, *Ordered*, that the same be read a second time to morrow.

Mr. Armstrong from the joint committee appointed to examine and report the situation of the public arms, made the following report, That they find in the arsenal, two hundred and fifty-eight stand of arms, in very bad order: That the Quarter Master General, also, reported eleven stand of arms in the hands of Mr. Roberts for the purpose of repairing; and thirty-five stand delivered to captain White, commanding the volunteer company in this town, by order of the acting governor, making in all three hundred and four stand. Your committee would recommend that an appropriation be made at this session of the legislature to enable the Quarter Master General to have them put in good order. *Ordered*, That the House concur in said report.

Mr. Craig, from the select committee to whom was referred the petition of Lewis Tilman, reported the following bill: A bill to be entitled, An act to authorize the emancipation of certain slaves, therein named, which was read a first time; and, *Ordered*, that the same be read a second time to morrow.

Mr. M^cHenry offered the following resolution: *Resolved* That a committee be appointed on the part of this House, together with such committee as may be appointed on the part of the Senate, to examine into the state of the Treasury, and report to this House, what monies are in the treasury at this time, if any, and the probable receipts up to the first day of December next. *Ordered*; that the said resolution lie on the table.

A message from the Senate by Mr. Lyon, their secretary; *Mr. Speaker*, I am instructed by the Senate to inform you, that they have adopted the following resolution: *Resolved*, by the Senate, that with the concurrence of the House of Representatives a joint committee of both Houses be appointed to inquire into the expediency of memorializing the Congress of the United States, on the subject of the annexation of West Florida to this state, with leave to report by memorial or otherwise. *Ordered*, that the House concur in said resolution; Whereupon, Messrs. Greening, Montgomery and Weedon were appointed the committee on the part of this House.

Ordered, that the committee on claims be discharged from the consideration of the account of Thomas H. May.

On motion of Mr. Crenshaw; *Resolved*, that the Judiciary committee be instructed to inquire, whether the Judges of the court of errors and appeals have complied with the law requiring them to file their opinions in writing, passed at Huntsville in December 1819, and to make such report thereon as the case requires.

A communication from His Excellency the governor, by Mr. Pleasants, secretary of state, was read and is as follows:

Executive Department, Nov. 13, 1821.

Gentlemen of the Senate,

and of the House of Representatives,

In presenting such view of our affairs as appears to me worthy of legislative attention; I deem it proper to premise with great deference, that in the present imperfect state of our representation, it is not recommended as advisable to extend the labors of the session beyond those measures, the expediency of which is immediate or obvious.

An abstract of the census lately taken, so far as returns have been made, are ready to be laid before any committee you may appoint to act on that subject; any further returns that may be received will be immediately presented, that you may be enabled to proceed to the apportionment of

representation in both branches of the legislative department. In the correct and satisfactory discharge of this important duty, no difficulty is apprehended. Should there be, eventually, a failure in receiving returns from some of the counties, I presume that a recourse would be proper, in those instances, to the latest preceding returns.

In many of the matters to which your attention has been very properly invited by the communication of the late acting Executive, I take much pleasure in expressing my cordial concurrence of opinion. In the few instances wherein I have viewed subjects differently, they are submitted to you with much consideration.

The State University and the disposition of the lands reserved for its endowment, have a just claim upon your most earnest deliberations. This subject has so justly been classed among those of the deepest interest to the state, both as respects the present and future times, that I feel it my duty to offer you the result of my best reflections upon it.

I have no hesitation in adding my concurrence in the expediency of a sale of those lands at as early a period as the circumstances of the community will justify a belief, that full prices may be obtained. I must also add, that it is both the interest of the state, and the incumbent duty of those who conduct its concerns, to obtain the most from this resource that it can possibly yield. It is not believed that an immediate sale for cash will promise this result. Our daily observation, connected with the present condition of our circulating medium, will induce to the conclusion, that a sale in which the purchase money shall be required in four, five, or six annual instalments, the first to be made at the time of sale, will most probably yield one hundred per cent. more than a cash sale. It being in every view of the case requisite, that specie or that which is of equal value, shall be the medium of payment. It may be deemed proper to require ample personal security, in addition to the collateral security of the land itself. This requisite may either be exacted at the time of sale, or by some suitable provisions at the time of the second or any succeeding instalment falling due and not being punctually paid.

As regards those weighty political reasons which induced to the late change in the terms of sale of the national lands, while I concur most cordially in their wisdom and sound public policy, I am unable to see any of those reasons to be applicable to the disposition of this limited quantity of lands.

—two townships dispersed in small tracts over the state, no county including but a few sections. Can the tendency of such a debt as would be contracted by the sale of these seventy-two sections of land be considered as at all serious? Add to this, that its discharge does not act as that drain upon our currency which is opened by a payment to the United States. The contrast of the two cases will appear in full glare, when we view the extensive domain of the United States, spreading over many whole states and territories adjoining; the debts contracted in the sale of which would involve the interests of millions of our population, and eventually tend to a disaffection towards the Union.

I am aware that an imaginary objection may be thought to exist against a sale on credit. That the legislature may be harassed by the frequent application of debtors of this class. This objection will at once vanish when it is considered that the legal interest in these debts will have become vested in the corporation, and therefore out of the reach of legislative indulgence. Nor is it believed that any objection can arise from the liability of this mode of sale to combinations. Very few of these tracts lie in the bounds of any neighborhood or even in the same county. There will not be that general mutuality of interest prevailing among the community which is the greatest cause of combination in general sales! But it occurs, that by requiring the whole to be advanced in cash we destroy competition, by rendering so few in any neighborhood able to advance the necessary amount in money.

It is believed that it may be prudent to vest a reasonable portion of the fund arising from the sale of these lands, in stock of the State Bank. And for that purpose, it might be proper to make provision in its charter for admitting a subscription in favor of the University at any time, of not exceeding one thousand shares of one hundred dollars each. This amount might be produced from the first instalment, and would in that case be sufficient alone to put the bank in operation. But should the amount of this instalment fall short of this calculation, it would be in all events sufficient with the aid of such individual capital as may be applicable to that purpose, to give full effect to the bank in the ensuing year.

It may become a proper inquiry what disposition may best be made of the *residuum* of the purchase money, after vesting the limited amount proposed in bank stock and putting the University into operation,

This fund being a sacred trust for the future as well as present generation, security and permanency, with a regular and certain increase, would be the great desideratum. The funds that appear to me peculiarly suited to such a purpose, are the stocks of the government of the United States, bearing an interest of six per cent. These are as certain as the government itself, and the increase will remain unaffected by the vicissitudes of the times. However favorably I anticipate the advantages which will result from our State bank, both to its stockholders and the public, our late observation on the subject will not justify that full confidence in the stability and regular productiveness of the most promising banking institution, that we are warranted to repose in the national funds.

However, should the plan of allowing credit for a portion of the purchase money be adopted, ample time will be left to consider of the best disposition to be made of the money arising from the deferred payments.

The location of the institution will, for the reason premised, be a proper work for a future session; in the mean time an act of incorporation may be proper, empowering the trustees to effect sales on such terms as may be prescribed; to take measures for preserving the lands that may not be sold, and to reserve from sale such tracts as may be deemed proper at or near the several places held in view as suitable sites; requiring them to report to the legislature their proceedings, and such information as may affect the interest of the institution, reserving to the legislature a superintending control over the corporation.

In the application, of this literary fund to the establishment of an institution where our sons may be instructed in all the branches of literature, it is believed neither to be inconsistent with the object of the act of national munificence, which has given us these means, nor with the generous and refined sentiments of the age in which we live, to apply a portion of them to female education.

The depreciated state of the medium which composes the greater part of our revenue, requires immediate attention. To enable the state in good faith and without loss, to discharge the demands against it, it will be requisite to exclude from the treasury, all paper that is not equivalent with specie.

This may be a proper period for paying off the loan obtained from the Planters' & Merchants' Bank of Huntsville, in its own paper.

It may be expedient to authorise a loan from one of the specie-paying banks, towards any deficiency in our Treasury, which need not exceed \$15,000.

Such provision may also be made in regard to any sum that may have been collected and paid into the Treasury, in the paper of a bank not paying specie, that it may be replaced by the bank issuing it, with specie or other sound medium, or with an ample indemnity. In this case the Treasury will cease at once to pay out paper of this description.

In the policy of excluding from future collection of taxes, the paper of the Huntsville Bank during its refusal to pay its notes in specie, a full regard has been given to the situation of the large and interesting portion of the community in which its paper has composed the general circulation. Although such exclusion might have operated at a short period since, with much inconvenience to the people, and have amounted to a denial of the means of payment, it is believed that such a measure at this time will have no such effects; but will, on the contrary induce them to require a sound currency for their valuable produce now generally on hand, and eventually aid in the entire exclusion from circulation of a depreciated currency.

What other provision may be deemed correct toward that Bank and just to the public, will depend on your wisdom to devise. How far a tax would be advisable, and to what amount might be necessary, to induce the institution to comply with its engagements, at a period when its capacity seems not to be questioned by those acquainted with its affairs, will be questions for your determination. If such a course be advisable, the tax ought to be such as will effectually answer the purpose. I question the policy and moral propriety of taxing an evil, unless with the view of causing it to cease: otherwise it serves to legalize it.

And in any more definitive course, it will be essential that proper regard be had to the state of the community most concerned. That while the creditors of the institution shall be secured, its debtors may not be ruined by too rigorous a pressure. Much of the embarrassments of that institution, it is hoped, might be removed by a mutually advantageous connexion between the State Bank & the local ones.

It is not believed, that any addition to the aggregate amount of taxes will be requisite. The necessary amendments in the mode of assessment and collection will be better suggested on a further progress of receiving the returns.

Of the treasury warrants now issued, means of discharging the greater part may be provided, by making a provision in such law as may be deemed proper in relief of purchasers at the first sale of lots in the town of Cahawba, which shall create inducements to prompt payments, by allowing a liberal discount.

It would also add to our facilities in the present state of the currency, to provide for a more convenient description of Treasury notes or warrants. It is confidently believed that by adopting the several provisions recommended, our revenue and treasury paper will be relieved from the evils of depreciation in a very short period, and that a limited amount of these notes or warrants issued in anticipation of certain revenue may be equally current with specie.

So much of the agricultural as well as commercial prosperity and respectability of the state, will depend on a judicious attention to internal improvements in regard to roads and navigation, that a portion of your attention will of necessity, be devoted to that subject. Our constitution has in express terms enjoined it on the legislature, to provide, by law, for obtaining accurate knowledge of such objects as may be proper for improvement, and for making a systematic and economical application of the means appropriated to them. (Art. 6. Sec. 21.)

At the first session of our State Assembly, a law was passed in obedience to this provision of the constitution, presenting some of the most conspicuous points, and authorized the examination of them by an Engineer under the direction of the Executive. This law has been but very partially carried into effect. It has long appeared to me, that unless a system shall be established, that shall ensure liberality and disinterestedness, as well as method, combined with practical skill, in the design and execution, very little efficient progress will be made by the state in public improvement. The fund arising from the nett amount of sales of United States lands sold after the first day of September 1819, agreeably to the act of admission, may be very profitably employed, viz: three per cent. for improvements in the state; and two per cent. for making roads to the state, under the direction of Congress. The three per cent. fund amounted from the date last mentioned till the 30th Sept. 1820, (18 months) to \$7,899.07. No later statements have been received. But it is presumable the average annual amount of this fund will be nearly the same for the next eight years; an

amount not sufficient to accomplish very expensive objects, but ample enough for the correct examination and survey of all of them, with the ascertainment of the most practicable plans and cost of completion, and also for accomplishing many of the less expensive objects; thus opening the way for individual enterprize and capital, and aiding these again in their progress.

The plan which appears to me most simple, & best adapted to answer all the desired purposes, would be the establishment of a board of improvement consisting of not exceeding five members, chosen annually or biennially by the General Assembly from the several Judicial or other divisions of the state. It being the duty of this board in connexion with the executive for the time being, to direct the application of the means which the legislature shall from time to time appropriate by law for improvement & for examination. The reasonable expenses of the board when on actual service, to be defrayed from the improvement fund. It being the duty of the board to make annually or oftener if required reports of their proceedings and to account for the sums expended.

The advantages of this system, would be, the greater probability of a disinterested exercise of duty: From the known public spirit and intelligence of those who would most probably be selected as members of the board, and owing their appointment to the legislature of the state, they would be relieved from that local obligation which is often so much felt by representatives from counties. Add to this, the facility of deliberation and of visiting personally the points that may be necessary, and of collecting useful information. It is not improper to remark that it is well known that the provision in the constitution before noticed, was adopted with a pointed view to such a system.

Certain leading roads between the extremes of the state may be very advantageously laid out.

These several impediments to the navigation of the Alabama and Tombecbe and their tributary waters, from the lowest to the highest practicable points of navigation, will of course be proper objects of examination. Thence across the several points of nearest land communication to the waters of the Tennessee river, the best practicable portages should be ascertained and opened. This part of our Geography together with the shoals on that river has long since engaged the attention of the general government, and has deservedly been viewed as a national object. These are also equally

interesting to our sister state of Tennessee. And I have had great pleasure to see a late executive communication to the legislature of that state, calling their attention to the communication between the Hiwassee and one of the heads of Coosa river, in which assurances are given from personal knowledge of the easy practicability of actually uniting those streams, by a canal of eleven miles. This effected, and a continued interior water communication is formed from the Mobile bay through the Tennessee and Holston a considerable distance into the state of Virginia. Thus by a moderate share of capital and enterprize judiciously directed, our country may exhibit advances in improving our channels of intercourse, the very idea of which, very lately, would have been viewed as romantic.

In the event of an enlargement of our southern boundary, which will be a question of national policy for the determination of the general government, new objects for improvement may be presented.

No object is more desirable in a government of laws, than their regular and due administration in the tribunals of justice. In the failure of the sessions of courts, which too often happens by reason of indisposition of judges, and omission of the proper officers to have juries summoned, with other occurrences, the aggregate loss to the community is considerable.

I am informed that in the county of Henry, two years since established, no courts have yet been holden. This omission is deserving of inquiry, and the proper remedy should be allowed, either that the court should be regularly holden, or in case of omission that the judge should be authorized to hold a special court. Some general provision on this subject may be proper.

I have the honor to lay before you, certain resolutions passed by the Legislature of the state of Georgia, communicated by the governor of that state; in which it is represented, that having understood that the Creek & Cherokee nations of Indians are desirous of making certain cessions of their territory, whereby the settlements, of Georgia, Tennessee & Alabama may become connected, and desiring the co-operation of this state to induce the Government of the United States to hold a treaty with those nations for procuring that cession. The importance of such a cession to this state is obvious to all, in extending our settlements to our full limits in that direction, inviting emigration, and uniting in social and commercial intercourse with the states adjoining.

A communication has been received from the Secretary at war, accompanied by an extract of a letter from the agent of the Chickasaws, urging the propriety of preventing the sale of spirits to Indians. These are laid before you.

I lay before you the report of the Quarter Master General. It may be proper to appoint a committee of the legislature to visit the Arsenal of this place, and inspect the public arms therein, which may aid in determining the best disposition to be made of them.

I recommend that a committee be appointed to examine the condition of the Executive records. Owing it is understood to the want of proper books for the department, these records have not been kept up from the commencement. This examination will enable you to make the necessary provisions on the subject. In the prosperous management of our public affairs, so much depends on a harmonious and liberal concert of exertion in all our departments, that too much care cannot be bestowed on its cultivation. A want of this is never so much owing to the fault of original indisposition in any of us to exercise and promote it, as a reaction produced by a want of full confidence that the disposition exists in others with whom, or for whom we act.

This confidence being mutually obtained, I have the happiness to believe that our community contains a full proportion of all the necessary requisites to produce this desired concert. In forming this new association, we have left behind us most of the objects of our native partiality that could abstract our views from the best public good.

I cannot close this communication without expressing the gratifying hope, that the happy disposition now existing among us may continue to lighten the duties of the session; and that our joint labors conceived in that temper of mutual conciliation and public spirit which becomes the representatives of a generous and enlightened people, may result in promoting the best general interests and satisfying the just expectations of our constituents.

ISRAEL PICKENS.

On motion of Mr. Perry *Ordered*, That the House resolve itself into a committee of the whole House, on Thursday, on the message of His Excellency. *Ordered*, That four hundred copies of the said message be printed.

The House took into consideration Mr. Morton's resolution, appointing a committee of five members for the purpose of drafting a bill apportioning the representatives, and to lay the State off into senatorial districts; which resolution was adopted. Whereupon, Messrs. Morton, Craig, Bagby, Vining and Armstrong, were appointed said committee.

On the motion of Mr. Craig, the House took into consideration the report of the committee, appointed to draft rules of order and decorum for the government of the House of Representatives, consisting of the following rules :

Rule 1. The Speaker shall take the chair every day at the hour to which the House shall have adjourned the preceding day ; shall immediately call the members to order ; and on the appearance of a quorum, cause the journals of the preceding day to be read.

Rule 2. He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the House at the request of any two members, which appeal shall be decided without debate.

Rule 3. He shall rise to put a question, but may state it sitting---all questions shall be distinctly put in this form, to wit : As many as are of opinion that (as the question may be) say Aye ; and after the affirmative voice is expressed, as many as are of the contrary opinion, say No. If the Speaker doubts, or a division be called for, the House shall divide ; those of the affirmative of the question shall first rise from their seats, and afterwards those of the negative.

Rule 4. He shall have a right to name any member to perform the duties of the chair ; but such substitutions shall not extend beyond an adjournment.

Rule 5. Fifteen members shall have power to call a house and send for absent members. A majority shall be a quorum to transact business ; and seven members after the hour of twelve, may adjourn from day to day.

Rule 6. When a member is about to speak or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to Mr. Speaker.

Rule 7. If any member, in speaking, or otherwise, transgress the rules, the Speaker shall, or any member may, call to order ; in which case the member so called to order, shall immediately sit down, unless permitted to explain ; and the House shall, if applied to, decide on the case, but without debate. If the decision be in favour of the member so called to order, he shall be at liberty to proceed ; if otherwise, and the case require it, he shall be liable to the censure of the House.

Rule 8. When two or more members happen to rise at

the same time, the Speaker shall name the person who is first to speak.

Rule 9. No member shall speak more than twice to the same question, without leave of the House.

Rule 10. When the Speaker is putting a question, or addressing the House, none shall walk across the room, nor when a member is speaking, enter into private discourse, nor pass between him and the chair.

Rule 11. Upon calls of the House for taking the Yeas and Nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

Rule 12. When a motion is made and seconded, it shall be stated by the Speaker, or if in writing, shall be read aloud by the clerk; and every motion shall be reduced to writing, if the Speaker or any member request it.

Rule 13. Any member may call for a division of the question, when the sense will admit of it.

Rule 14. Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

Rule 15. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in possession of the House, but may be withdrawn by leave of the House at any time before the decision or amendment.

Rule 16. When a question is under debate, no motion shall be received, but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend; which several motions shall have precedence in the order they stand arranged.

Rule 17. A motion to adjourn shall be always in order, and shall be decided without debate.

Rule 18. The previous question shall be in this form--- Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendments, and further debate of the main question. On a previous question there shall be no debate.

Rule 19. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof, on the same or the succeeding day; provided, the paper be then in the possession of the House.

Rule 20. The House shall resolve itself into a committee of

the whole when deemed necessary, and when in committee of the whole shall be governed by these rules; except that in committee of the whole any member may speak as often as he may think proper.

Rule 21. The Speaker may appoint committees, unless otherwise directed by the House.

Rule 22. The Speaker shall vote on all questions, and when the Yeas and Nays are desired, the Speaker shall be first called, and if the House shall be equally divided, the question shall be lost.

Rule 23. No member shall absent himself from the service of the House unless he have leave, be sick, or unable to attend.

Rule 24. Upon motion for a call of the House, the names of the members shall be called over by the clerk, and the absentees, without leave, noted: one hour after which the names of the absentees shall again be called over, and those for whom no excuse, or an insufficient one is made, may by order of those present, if fifteen in number, be sent for and taken into custody when to be found, and be subject to the censure of the House.

Rule 25. After the journals are read on each day, petitions shall be called for by the chair; next, reports of the standing committees; and lastly, the reports of select committees, except the committee of enrolments, who may report at any time during the session of the House, when not excluded by some privileged motion.

Rule 26. Motions and reports may be committed at the pleasure of the House.

Rule 27. Every bill shall be introduced by motion for leave, or by an order of the House; which bill may, on its second reading, be committed to a standing committee, a select committee, or a committee of the whole House; but commitment to one shall not preclude the commitment to either of the others.

Rule 28. All bills shall be dispatched in order as they were introduced, unless when the House shall otherwise direct.

Rule 29. Upon the second reading of a bill, the clerk shall first read it over for information; the Speaker shall then announce it ready for amendment, and if not committed, the clerk shall again read it over deliberately, pausing at the end of every sentence, to give time for amendments to be offered, and when read through, shall be ready for amendment or engrossment.

Rule 30. After commitment and report thereof to the House, or at any time before its third reading, a bill may be recommitted.

Rule 31. When a bill shall pass, it shall be certified by the clerk, noting the date of its passage at the foot thereof.

Rule 32. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

Rule 33. Upon a bill being committed to a committee of the whole House, the same shall be first read throughout, by the clerk, and then again be read and debated by clauses; leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amendment by clauses, before the question for engrossing it be taken.

Rule 34. Nothing shall be introduced by way of rider which is irrelevant to the matter contained in the main body of the bill before the House.

Rule 35. On all questions for filling blanks the largest sum and the most remote day shall be first put.

Rule 36. The rules of proceeding in the House shall be observed in committee, so far as they may be applicable; except that of limiting the time of speaking, and putting the previous question, which shall not be put in committee.

Rule 37. A majority of any committee shall be sufficient to proceed to business.

Rule 38. Whenever it shall be necessary for a communication to be made from the House of Representatives to the Senate, the Speaker shall appoint one or more members to bear the same.

Rule 39. When the House adjourns, no member shall leave his seat, until the Speaker has gone forth.

Rule 40. No committee shall sit during the sitting of the House without special leave.

Rule 41. Any person may excuse himself from serving on a committee at the time of his appointment, if he is then a member of two other standing committees.

Rule 42. No standing order shall be rescinded without one days notice given of the motion therefor.

Rule 43. Whoever violates any of the foregoing rules shall suffer such censure as a majority of the House may direct. *Ordered*, that the House concur in said report.

Mr. Duckworth obtained permission to introduce the following bill:

A bill to be entitled an act to regulate proceedings upon the claims of property under execution, which was read a first time; and, *Ordered*, that the same be read a second time on Saturday next. *Ordered*, that fifty copies of said bill be printed.

A bill to be entitled an act to authorize Maria Evans to emancipate a certain negro man slave named Richard Evans, was read a third time.

Mr. Morton offered the following amendment by way of rider :

Be it further enacted, by the authority aforesaid, That Lewis Tilman of the county of Limestone, be, and he is hereby, authorized and empowered to emancipate his slave Jack, so soon as the said Lewis Tilman shall have executed to the Judge of the county court of Limestone, and his successors in office, a bond with sufficient security to be approved by said Judge, conditioned, that no creditor shall sustain any loss by reason of said emancipation, that the said slave Jack shall never become chargeable to the State of Alabama, or any county or town within the same; which was read three several times and adopted. The bill was then passed. Ordered, that the words "a bill to be entitled" be stricken out. Ordered, that the same be sent to the Senate.

Mr. Craig obtained leave to introduce the following bill : A bill to be entitled an act to repeal in part and amend an act entitled "an act to repeal in part, and amend an act to regulate the proceedings in the courts of law and equity in this State," passed the 14th day of June last, which was read a first time, and *Ordered, to be referred to the judiciary committee.*

A bill to be entitled an act to authorize the administrator and administratrix of Thomas Tolbert to sell and convey certain real estate, was read a third time. Mr. Craig offered the following amendment by way of rider :

And be it further enacted, that the administrator and administratrix of Thomas Tolbert aforesaid, shall give at least thirty days notice by publishing the time and place of sale of the above described land in the Florence Gazette or Alabama Republican, and at the court house door in the town of Moulton, and three other public places in said county; which was read three several times and adopted. The bill was then passed. Ordered, that the words "a bill to be entitled" be stricken out. Ordered, that the same be sent to the Senate.

A bill from the Senate, entitled an act to appoint commissioners to ascertain correctly the boundary line between the counties of Jefferson and Blount, was read a second time; and *Ordered, that the same be read a third time tomorrow.*

A bill from the Senate to be entitled an act to prevent sheriffs and other officers, levying executions in certain cases, was read a first time; and *Ordered*, that the same be read a second time to-morrow.

A bill to be entitled an act to authorize William Crawford and company of Franklin county, to build a mill and other water works on the Tennessee river, was read a second time; and *Ordered*, to be referred to a select committee: Whereupon, Messrs. Parham and Clay were appointed said committee.

A bill to be entitled an act to alter and amend the act entitled an act to organize the militia of the State of Alabama, was read a second time; and, *Ordered*, to be referred to the military committee.

A bill to be entitled an act to amend an act giving jurisdiction to certain counties therein named, was read a second time; and *Ordered*, that the same be engrossed for its third reading to-morrow.

A bill to be entitled an act authorizing the administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein named, was read a second time; and *Ordered*, that the same be engrossed, and made the order of the day for its third reading to-morrow.

A bill to be entitled an act to repeal part of an act therein named, was read a second time; and *Ordered*, that the same be engrossed for its third reading to-morrow.

A bill to be entitled an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, to erect a toll bridge across the Black warrior river, at the falls of the town of Tuscaloosa, was read a second time. *Ordered*, that the same be committed to a committee of the whole House, and be made the order of the day for to-morrow. *Ordered*, that the House adjourn till to-morrow ten o'clock.

Wednesday November 14.

The House met pursuant to adjournment.

Mr. Pickett presented the petition of John Bishop, accompanied by the following bill:

A bill to be entitled an act for the relief of John Bishop, which was read a first time. *Ordered*, that the same be read a second time to-morrow.

Mr. Fleming from the committee on roads, bridges, ferries, &c. to whom was referred the petition of John Rose, reported the following bill:

A bill to be entitled an act to authorize John Rose to cut

out and open a road from the town of Cahawba to Pine Barren creek, and receive toll for keeping it in repair; which was read a first time. *Ordered*, that the same be read a second time to-morrow.

Mr. Williams from the committee of ways and means to whom was referred the petition of the tax collector of Madison county, reported the following bill:

A bill to be entitled an act to extend the time for collecting the tax, and making returns to the person therein named; which was read a first time. *Ordered*, that the rule which requires bills to be read on three several days, be dispensed with, and that the same be read a second time forthwith.

Mr. Clay moved to amend the said bill by adding the following section:

Be it further enacted, that the tax collector of Lawrence county shall be allowed until the _____ day of _____ next to make returns, and pay over the revenue into the Treasury, which was adopted. *Ordered*, that the said bill be engrossed, and made the order of the day for its third reading to-morrow.

Mr. Craig from the select committee to whom was referred the petition of Richard Rapier administrator of Claiborne Mays, reported the following bill:

A bill to be entitled an act authorizing Richard Rapier administrator of Claiborne Mays, deceased, to sell a certain lot of land therein mentioned; which was read a first time, and *Ordered*, that the same be read a second time to-morrow.

Mr. Perry obtained leave to introduce the following bill:

A bill to be entitled an act to incorporate Tuscaloosa Chapter of Royal Arch Masons; which was read a first time, and *Ordered*, that the same be read a second time to-morrow.

Mr. Graham obtained leave to introduce the following bill: A bill to be entitled an act to extend the duties of Justices of the Peace, which was read a first time; and *Ordered*, that the same be read a second time to-morrow.

Mr. Graham obtained leave to introduce the following bill: A bill to be entitled an act, amendatory of an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, passed December 21, 1820, which was read a first time; and *Ordered*, that the same be referred to the committee on roads, bridges, ferries, &c.

Mr. Powell obtained leave to introduce the following bill:

A bill to be entitled an act authorizing the Intendant and council of the lower part of Tuskalooza, to erect a toll bridge across the Black-warrior river, which was read a first time; and *Ordered*, that the same be read a second time to-morrow.

The Speaker laid before the House the accounts of various claimants against the State: *Ordered*, That the same be referred to the committee on accounts.

Mr. Bagby obtained leave to introduce an account of John Bell against the State. *Ordered*, That the same be referred to the committee on accounts.

Mr. Bagby obtained leave to introduce the following bill: A bill to be entitled an act to establish certain election precincts therein named, and for other purposes, which was read a first time; and *Ordered*, That the same be referred to the select committee on election precincts.

The following bills, to wit: A bill to be entitled an act authorizing the administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein mentioned.

And, A bill to be entitled an act to amend an act giving jurisdiction to certain counties therein named, over that part of the Cherokee lands, lying within the limits of the State of Alabama, were severally read a third time and passed; *Ordered*, That the titles of said bills be amended by the striking out of each, the words "A bill to be entitled." *Ordered*, That the same be sent to the Senate.

A bill from the Senate, to be entitled an act to appoint commissioners to ascertain correctly the boundary line between the counties of Jefferson and Blount, was again taken up. *Ordered*, That the said bill be indefinitely postponed.

A bill to be entitled an act for the relief of Josiah D. Lister, Esq. sheriff of Washington county, was read a third time and passed. *Ordered*, That the words "A bill to be entitled," be stricken out. *Ordered*, That the same be sent to the Senate.

Mr. Clay obtained leave to introduce the following bill: A bill to be entitled an act to reduce the expenses of the General Assembly. *Ordered*, That the said bill lie on the table. The Ayes and Nays being called for, those who voted in the affirmative are,

Mr. Speaker, Allen, Ayers, Barclay, Beene, Carr, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fleming, Greening, Hopkins, Kennedy, Montgomery, Murrell, Miller, Morton, Martin, McHenry, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson—34.

Those who voted in the negative are,

Messrs. Anderson, Armstrong, Bagby, Brown, Clay, Crenshaw, Craig, Holderness, Jones, King, Leake, Magoffin, Masterson, Moore, Norwood, Pickett, Powell—17.

A bill to be entitled an act to repeal part of an act therein named, was read a third time and passed. The Ayes and Nays being called for, those who voted in the affirmative are,

Messrs. Allen, Anderson, Bagby, Beene, Brown, Craig, Dabney, Davis, Duckworth, Edmondson, Elmore, Fitzpatrick, Greening, Graham Hardwicke, Holderness, King, Montgomery, Magoffin, Masterson, Miller, Morton, McHenry, Powell, Philpott, Parham, Skinner, Vining, Weedon, Williamson—30.

Those who voted in the negative are.

Mr. Speaker, Armstrong, Ayers, Barclay, Carr, Clay, Crenshaw, Dale, Evans, Fleming, Hopkins, Jones, Kennedy, Leake, Murrell, Moore, Martin, Norwood, Pickett, Perry, Smith, Tagert, Thompson, Williams—24.

A bill to be entitled an act to authorize the emancipation of certain slaves therein named, was read a second time, and amended. *Ordered*, That the same be engrossed, and made the order of the day, for its third reading to-morrow.

Message from the Senate by Mr. Lyon their secretary: *Mr. Speaker*, I am directed by the Senate to inform your Honourable body, that the Senate have read three several times, and passed the following bills:

A bill to be entitled an act to establish and regulate Justices Courts in this State, except the counties therein excepted.

A bill to be entitled an act to appoint commissioners to lay out a certain road therein named; in which they desire your concurrence. Also,

The bill originating in your Honourable body entitled an act confirming a decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced in September term, 1820, divorcing Harriet Dillard from her husband Nicholas Dillard.

Mr. Bagby moved to re-consider the vote on the passage of the bill to be entitled an act to repeal part of an act therein named—which was carried. The question was again put on the passage of the bill, and decided in the affirmative.

A bill to be entitled an act to alter and extend the boundaries of Limestone county, was read a second time. *Ordered*, That the said bill lie on the table.

The bill from the Senate entitled an act to establish and regulate Justices Courts in this State, except the counties therein excepted—was taken up and read a first time. On motion of Mr. Masterson, *Ordered*, That the said bill be indefinitely postponed.

The Ayes and Nays being called for, those who voted in the affirmative are,

Mr. Speaker, Armstrong, Bagby, Barclay, Carr, Crenshaw, Edmond

ses, Fleming, Greening, Graham, Holderness, Hopkins, King, Leake, Montgomery, Murrell, Masterson, Moore, Morton, Martin, W. Henry, Norwood, Powell, Philpott, Perry, Smith, Tagert, Thompson, Williams—29.

Those who voted in the negative are,

Messrs. Allen, Anderson, Ayers, Beene, Brown, Clay, Craig, Dabney, Dale, Davis, Duckworth, Evans, Elnore, Fitzpatrick, Hardwicke, Jones, Kennedy, Magoffin, Miller, Pickett, Parham, Skinner, Vining, Weedon, Williamson—25.

Mr. Powell offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of regulating and amending the several laws now in force, relating to the manner of holding persons to bail within this State---which was adopted.

Ordered, That Mr. Powell be added to the committee of propositions and grievances.

A bill from the Senate to be entitled an act to appoint commissioners to lay out a certain road therein named---was read a first time. *Ordered*, That the same be read a second time to-morrow.

A bill from the Senate to be entitled an act to prevent sheriffs and other officers levying executions in certain cases---was read a second time. Mr. Philpott moved to amend the said bill by striking out the words "*capias ad satisfaciendum*," and inserting in lieu thereof "*fieri facias*,"---which was carried. Mr. McHenry moved further to amend said bill by striking out the words "fit for gathering," for the purpose of inserting "gathered"---which was carried. *Ordered*, That the same be read a second time to-morrow.

On motion of Mr. Williams, *Ordered*, That the inaugural address of His Excellency be spread on the Journal.

Gentlemen: In approaching the station assigned me by my fellow citizens, it becomes my first obligation of feeling and of duty, to acknowledge the grateful sense with which I am impressed, of this valued testimony of their confidence. I am compelled, at the same time to own my apprehensions, that owing as well to my own inadequacy, as to the difficulties connected with our present situation, I may not be able to discharge the functions of the dignified office to which I am called, agreeably to the public expectation. I find however a source of animation in that confidence which I feel in the virtuous patriotism of our citizens; and which is peculiar to communities whose systems like our own, are founded on the fair basis of equal liberty; where the interest of the state is identified by that of each individual. This generous principle growing out of the intimate connexion here subsisting between the people and their government, and cherished by

their interests and affections, furnishes the most effectual remedy for the defects incident to all human institutions, and also for the weakness of those who administer them.

Relying therefore on the aid of that public virtue which I believe to characterize this free and enlightened community, no exertion of my feeble powers shall be wanting to promote the order, prosperity and happiness of the State.

If any people have inducements to value these, the citizens of Alabama should feel their fullest force. Although the period is far distant when we shall aspire to a pre-eminence among our sisters, on the political scale of the union, few of them are more enviable for those natural advantages that may render a people prosperous and happy---few, indeed, afford a more pleasing exhibition of progressive improvement from their primitive state of wilderness. The fairest portion of our territory, and even the spot where we are assembled, was but yesterday, unknown as the residence of civilized man. The prospects which nature alone presented, have successfully invited a respectable order of emigration, and filled our forests with the improvements of good society. Already do we felicitate ourselves on our political advancement to a full membership in the great family of American States---encircled by the Federal Union, which presents to other nations, the exterior aspect of a solid and powerful empire---respected abroad for its resources, and for its moral and physical capacity, while it reflects on the local governments composing it, the blessings of liberty, security, & independence: yielding to us the right, as a distinct sovereignty, of securing our happiness, by laws suited to our condition; for maintaining social order, administering justice, and cultivating the natural advantages lying within our reach. In these we have not been treated with an illiberal hand. They are every where exhibited in the varieties of soil, of surface and climate, which diversify the several regions, from the sea board to the mountains, and qualify them for various and valuable productions; and in the numerous navigable channels which checker over the whole face of our country.

These like most natural gifts will derive much of their value from a proper cultivation, and none of them are more deserving public attention and improvement, than the streams and land communications: especially in such directions as to facilitate the intercourse between the extremes, and draw them closer by a more intimate community of in-

terests. Those points presenting themselves first in order, where the greatest practical benefits can be effected with the smallest means--a liberal and impartial distribution of the funds applicable to these purposes, being required, by a just regard to the interests of our citizens, in the different sections of the state. This will have a most happy moral effect in maintaining a harmonious and disinterested feeling among us : than which, nothing can contribute more substantially to the prosperity of any community. Here it is worthy of remark that the geography of no state presents a country more happily united in interest, so far as this is affected by mutuality of situation, and similarity of pursuits. We may indeed be divided by imaginary land marks, formed by evil and designing counsels; but it is hoped, the good sense and liberal sentiments of our citizens are sufficient to resist an influence, so destructive of the public good.

A liberal and disinterested policy will best serve to avoid political schism, and call in requisition the united talents of the country: in which condition only, can the the moral power of the state present a solid and imposing form; otherwise all the talents necessary to compose an enlightened and consistent government may be neutralized by division. Measures and men will alike be weighed in the false scales of prejudice and passion. And notwithstanding all that intelligence for which our population has been complimented at home and abroad, our measures may be characterized by weakness and folly. At no period will this subject impress itself upon our attention more properly than at present. Our political association is now forming. The materials which compose it, are promiscuously thrown together from various directions, bringing into contact their respective prepossessions for the doctrines made dear by early education, and hence we must expect some diversity of sentiments and want of mutual confidence; which can only be corrected by a more mature acquaintance, and mutual conciliation.

It is a subject of just concern, that any serious difficulties should have been presented thus early in our political progress, and before our government had assumed its permanent organization, and that our constitution should have been susceptible in one of its important provisions, of a difference of construction so irreconcilable as to result in an entire omission to apportion the representation of either member of the legislative branch; *one, or both of which*

were unquestionably required by the constitution; involving us in a situation to afford grounds of cavil with some, and possibly of honest doubt with others, as to the legitimate existence of the legislative department and virtually of the whole government.

In the slight notice of which this part of the subject is worthy, it is deemed worse than idle to enter on the field of controversy, so often and fruitlessly beaten. The old questions canvassed upon it, are deemed to be now settled and for ever to be at rest. It is but common charity to allow to all parties to the dispute, the credit of sincerity; and to attribute the unfortunate result, to that necessity arising from the varying operations of the human judgment, which may sometimes be as unavoidable as the act of God, or of a public enemy. Is it to be seriously supposed that our constitution, formed as a *permanent* rule for regulating the several departments of power in the state, as well in periods of commotion, as of tranquillity, is of such brittle texture, as to be broken down, or even interrupted by such casualties; whether produced by imperious necessity, or even by the voluntary default of one, or of all the departments combined?

Permanency is one of the professed objects of the state as well as federal constitutions. The preambles of both instruments point expressly to *posterity* as an object of their concern. The power of self preservation, as it is the first case of every government, is an inherent principle in ours; it must be called into action whenever among the vicissitudes of human affairs---the emergency shall require it, and must be regarded in every construction of the constitution, where it shall become necessary. This compact, like all others, can only be dissolved by the assent of all the parties to it---the people of the state on the one part, and the national government on the other. Forming a member of the confederacy, our co-operation is required as a constituent part of the nation. We have not the power of disqualifying ourselves even temporarily for that function.

It is true that with this special exception, the people of the state have in every difficulty a redeeming control over their government. This may be exercised by acquiescence in the existing state of operation, as the most convenient course, until the more regular organization can be effected: or, if the magnitude of the occasion require it, they may rise in the majesty of their power, and resolve it into its ori-

ginal elements, at the same instant re-organizing it under any modification, not inconsistent with their federal obligation.

No resort to this last extremity has been deemed advisable by any portion of our citizens. They have as by unanimous impulse chosen the present representative body to co-operate with the existing Senate, in forming this General Assembly.

Here it may be remarked, that however exactly our republican systems may be balanced, public sentiment will be found at last to direct them; and that sentiment imbued with public virtue, this direction will be glorious and happy.

While our situation and prospects are passing under review, we are compelled to notice the pecuniary difficulties that have visited us with their enervating influence, and cramped every branch of active industry. To unite in obtaining relief from these evils, we are invited by every consideration of private interest and public duty. Though these have to some extent, the same origin every where in that bad economy which creates an excess of foreign consumption, beyond the amount realized from exported productions. Yet additional causes are found in other circumstances peculiarly affecting us. The most obvious consists in that drain of sound currency which is formed by the extensive sales of public lands; or more correctly speaking, by the prevailing spirit of speculation which had appreciated them so far above their value. This has checked the current of emigration which the encouraging prospects of our country had for a season so successfully invited: and has withheld a large portion of our soil from culture. The same infatuating spirit had diverted most of our solid capital from other useful channels, and left the community incumbered with debts without a wholesome currency sufficient to discharge them.

In a most interesting portion of the state, a depreciated medium has filled the general circulation; clogging private engagements with distrust, and infecting with unsoundness the revenue of the state; that necessary support of public faith.

While some other states experiencing similar embarrassments have not the means of relief within their reach, we are without any excuse for this wretched state of insolvency, in a want of productive resources. Our chief staple production will always command its current value, in specie or its equivalent. The crop of a single year thus realized,

which cannot be estimated at less value than two millions, would fill our circulation with a wholesome medium, ample for all our purposes. A reform is demanded, by a regard to our individual interests, as well as to the character of the state--and this reform to be beneficial, must be radical, extending to the sources of the evil; any thing short of this will only nurse its growth. The community can very soon prepare itself for the exclusion from circulation of a depreciated paper currency, by refusing it in payment for their commodities. If in addition to this, a prudent retrenchment of expenditure on foreign articles, be observed, the desired end, will at once, be accomplished.

I am sensible that in effecting this desirable change, depending so materially on individual economy, some efforts will be required to produce the necessary concert of action. It is however believed, that a prudent course of public measures, furnishing the means and pointing directly to the expediency of such a change as well as the danger of avoiding it--seconded also by the precept and example of the wise and virtuous, will communicate such a tone to public sentiment, as will go far towards the purpose in view. And so long as the drain of sound currency occasioned by the sale of the National lands shall be kept open, a corresponding exertion of public and private economy will especially be required.

In anticipation of more favourable prospects to our country, we have much ground of felicitation in that relief which has been extended by the General Government, to a class of its debtors, embracing the greatest portion of our state. This will no doubt add an impulse to the spirit of industry; and by the observance of economy, improved by the salutary lessons of experience, we may renew our advances in the road to prosperity.

In this act of national beneficence, (in effecting which our fellow citizens in the opposite extreme of the nation united their liberal and disinterested influence;) we have renewed cause for feeling stronger the affectionate relation in which we stand to the Federal Union, not identified by Geographical boundaries.

In contemplating the recent national transactions peculiarly affecting us, we cannot omit to notice, with much interest, the accession of Territory in our neighbourhood, which has drawn a strongly defined natural boundary around the Southern frontier of the Union. We view this measure as

tending greatly to our security; and calculated to add to our commercial advantage.

Among the means that may contribute to the improvement of the social state, the education of youth has ever held a conspicuous place in the estimation of the wise and virtuous; and with more eminent propriety should this be the case, in a country whose government and laws are founded on the popular will, and are to be viewed as the reflected image of the wisdom and virtue of the people. On this score we have a valuable charge in trust for the present and for future generations. The endowments in our hands for this purpose are ample, and by being prudently husbanded, will prove a permanent resource for furnishing within ourselves the rudiments of useful learning.--- It should ever be the policy of those who may administer our affairs, to regard this fund as sacred to its purposes.

In the best improvement of the many advantages which heaven has thrown before us, it is devoutly hoped that providence may so inspire those who shall successively conduct the destinies of our infant state, as that the objects of our constitution may be happily realized, in securing the blessings of liberty and free government, to ourselves and our posterity.

The House adjourned till to-morrow morning 10 o'clock.

Thursday November 15, 1821.

The House met pursuant to adjournment.

Mr. Magoffin presented the petition of William Walton, praying to be relieved from a recognizance therein mentioned; which was received, and referred to the committee on propositions and grievances.

Mr. Craig from the committee on schools and colleges and school and college lands to whom was referred the petition of William M. Marr, and also the petition of sundry inhabitants of Madison county: Reported, That the said petitions are unreasonable, and ought not to be granted. In which report the House concurred,

Mr. Fleming from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry inhabitants of Lawrence county, Reported, That the said committee have had the same under consideration, and the petition is unreasonable, and ought to be rejected. The House disagreed to said report. On motion of Mr. Clay, *Ordered*, That said petition be re-committed to a select committee; Whereupon, Messrs. Anderson and Morton were appointed said committee.

Mr. Craig from the committee on schools and colleges and school and college lands, to whom was referred the petition of David Wood, Reported, That said petition is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Fleming from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry persons praying, that John and Samuel Hogan be permitted to turnpike a road, Report, That said petition is unreasonable, and ought not to be granted: In which report the House concurred.

Mr. Leake from the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Shelby; and also the petition of sundry inhabitants of St. Clair county, reported that said petitions are unreasonable and ought not to be granted. In which report the House concurred.

Mr. Leake from the same committee, to whom was referred the petition of sundry inhabitants of St. Clair county praying for a road therein designated, obtained leave to be discharged from the further consideration of the same. *Ordered*, that the same be referred to the committee on roads, bridges, ferries, &c.

Mr. Leake from the same committee, to whom was referred the petition of sundry inhabitants of Bibb county, praying to have the seat of justice for said county, temporarily fixed reported the following bill:

A bill to be entitled an act to fix the temporary seat of justice in the county of Bibb; which was read a first time. *Ordered*, that the same be read a second time to-morrow.

Mr. Evans obtained leave to introduce the following bill:

A bill to be entitled an act to repeal in part and amend the road law, passed at Cahawba 22nd Dec. 1820; which was read a first time. *Ordered*, that the same be referred to the committee on roads, bridges, ferries, &c.

Mr. Armstrong laid before the House an account of James Dellet; which was referred to the committee on accounts.

Mr. Armstrong obtained leave to introduce a bill to be entitled an act authorizing a lottery for making a turnpike road leading from the city of Mobile to Alvire's ferry, on creek; which was read a first time, and *Ordered*, for a second reading to-morrow.

Mr. Edmondson obtained leave to introduce a bill to be

entitled an act to amend an act to provide for leasing for a limited time, the lands reserved by the Congress of the United States, for the support of schools within each township in this State for a seminary of learning, and for other purposes, passed on the 20th Dec. 1821----which was read a first time; and *Ordered*, that the same be referred to the committee on schools and colleges and school and college lands.

Mr. Weedon offered the following resolution:

Resolved, that the judiciary committee be instructed to inquire into the expediency of amending the law now in force respecting the punishment inflicted for the crime of forgery; which resolution was adopted.

Mr. Tagert obtained leave to introduce a bill to be entitled an act to compensate the officers and Judge advocate, who compose the court Martial, detailed for the purpose of deciding the contested election of the Major General of the fourth division of militia of the State of Alabama----which was read a first time, and *Ordered*, that the same be referred to the military committee.

The Speaker laid before the House the Treasurer's annual report. *Ordered*, that 100 copies be printed. *Ordered*, that the same be referred to the committee on ways and means.

On motion of Mr. Williams, the House resolved itself into a committee of the whole, on the bill to be entitled an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements and their associates, to erect a toll bridge across the Black-warrior river, at the falls of the town of Tuskaloosa, Mr. Moore in the chair; and after some time spent therein, the committee rose, and Mr. Moore reported the bill with amendments; in which amendments the House concurred. *Ordered*, that the same be engrossed, and made the order of the day for its third reading on to-morrow.

Ordered, That Mr. Smith be added to the committee on inland navigation.

A bill to be entitled an act to authorize the emancipation of certain slaves therein named---was read the third time and passed. *Ordered*, that the title be amended by striking out the words "A bill to be entitled." *Ordered*, that the same be sent to the Senate.

The House took into consideration the bill to be entitled an act to alter the boundaries of Limestone county---which was read a third time.

Mr. Masterson moved that the further consideration of said bill be indefinitely postponed---which was lost. The bill was then passed. *Ordered*, that the words "A bill to be entitled" be stricken out. *Ordered*, that the Senate be acquainted therewith.

Message from the Senate by Mr. Lyon their Secretary: *Mr. Speaker*, I am instructed by the Senate to inform your honourable body, that the Senate have read a third time and passed "an act to authorize Maria Evans and Lewis Tilman to emancipate certain slaves therein named"--- which originated in your honourable body.

They have also read a third time and passed "an act to compel plaintiffs to give security for costs in all suits thereafter to be brought in this State," in which they desire your concurrence.

A bill from the Senate, to be entitled an act to prevent sheriffs and other officers levying executions in certain cases, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

A bill to be entitled an act to extend the time for collecting the tax and making returns, to the persons therein named, was read a third time.

Mr. Anderson moved the following amendment by way of rider:

And be it further enacted, That the said sheriffs be and they are hereby required to pay into the Treasury of the state, such part of the money due from the said counties, as they may have collected, agreeable to the requisition of the former law: Which was adopted.

The ayes and nays being called for, those who voted in the affirmative, are,

Messrs. Anderson, Bagby, Beane, Brown, Carr, Craig, Duckworth, Edmondson, Elmore, Greening, Holderness, Jones, Kennedy, King, Montgomery, Magoffin, Murrell, Masterson, Miller, Morton, M'Henry, Norwood, Philpott, Perry, Parham, Skinner, Thompson, Vining, Williamson--29.

Those who voted in the negative, are

Messrs. Speaker, Allen, Armstrong, Ayers, Barclay, Clay, Crenshaw, Davis, Evans, Fleming, Graham, Hardwicke, Hopkins, Leake, Moore, Martin, Powell, Smith, Tagert, Weedon, Williams--21.

Mr. Clay moved to fill the blank in said bill with "15th. February." Which was carried. The bill was then passed.

Ordered, That the words "a bill to be entitled," be stricken out: *Ordered*, that the bill be sent to the Senate.

Ordered, That Mr. Powell be added to the Judiciary committee.

Ordered, That the House adjourn till to morrow 10 o'clock.

Friday, November 16.

The House met pursuant to adjournment.

Mr. Magoffin presented the petition of John Dixon, praying the emancipation of a slave therein named; which was received, and referred to a select committee, consisting of Messrs. Magoffin and Kennedy.

Mr. Perry from the committee on enrolled bills, *Reported*, that the said committee had examined and found correctly enrolled, the following bills: An act confirming a decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced in September term, 1820, divorcing Harriet Dillard from her husband, Nicholas Dillard; and an act to authorize Maria Evans and Lewis Tilman, to emancipate certain slaves therein named.

Mr. Fitzpatrick from the committee of propositions and grievances to whom was referred the petition of William Walton, *Reported* a bill to be entitled, an act for the relief of William Walton; which was read a first time; and,

Ordered, to be read a second time to morrow.

Mr. Anderson from the select committee, to whom was referred the petition of sundry inhabitants of Lawrence county, reported a bill to be entitled, an act to establish a road therein named; which was read a first time; *Ordered*, that the the same be read a second time to morrow.

Mr. Armstrong from a select committee to whom was referred so much of the governor's message as relates to the State Bank, *Reported* a bill to be entitled, an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act; *Ordered*, that the reading of said bill be dispensed with.

Mr. Clay obtained leave to introduce a bill to be entitled, an act to authorize the administrator of David Dalton, deceased, to sell certain lots therein named; which upon the rule being dispensed with, was read three several times and passed; *Ordered*, that the words "a bill to be entitled," be stricken out: *Ordered*, that the same be sent to the Senate.

Mr. Davis obtained leave to introduce a bill to be entitled, an act to repeal in part, and amend an act entitled, an act to constitute a court of oyer and terminer, for the trial of slaves, & for other purposes; which was read a first time; and, *Ordered*, to be read a second time to morrow.

Mr. Fitzpatrick from the committee on propositions and grievances to whom was referred the petition of the Intendant and Council of the lower part of the town of Tuscaloosa, *Reported* a bill to be entitled, an act permanently to fix the seat of justice for the county of Tuscaloosa; which was read a first time, and, *Ordered*, to be read a second time to morrow.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined, an act to authorize the administrator of David Dalton, deceased, to sell certain lots therein named; and find the same correctly enrolled.

Mr. King obtained leave to introduce a bill to be entitled, an act respecting rents; which was read a first time, and, *Ordered*, to be read a second time to morrow.

Mr. Morton obtained leave to introduce a bill to be entitled, an act supplementary to the act entitled, an act to suppress duelling, passed on the 17th December, 1819; which was read a first time, and *Ordered*, to be read a second time on to morrow.

Mr. Powell offered the following resolution:

Resolved, That with the concurrence of the Senate, a joint committee of both Houses of the legislature be appointed to inquire into the expediency of memorializing Congress on the propriety of removing the prohibition imposed on the State of Alabama, at its admission into the Federal Union, of taxing all lands sold by the general government in the said State subsequent to the first day of September 1819, so far as it may regard lands hereafter sold; which resolution was adopted; and Messrs. Powell and Perry were appointed said committee.

Mr. Vining obtained leave to introduce a bill to be entitled, an act to amend the election laws now in force in this state; which was read a first time, and ordered to be read a second time to morrow.

Mr. Williams obtained leave to introduce a bill to be entitled, an act to define the power of the judges of the circuit courts in this state, to fine and imprison persons on state prosecutions; which was read a first time, and *Ordered* to be read a second time to morrow.

Mr. Crenshaw from the judiciary committee to whom were referred the several memorials relating to digesting the laws of this state, reported a bill to be entitled, an act to provide for the digesting of the laws of the state of Alabama; which was read a first time, and ordered to be read a second time to morrow.

A bill to be entitled, an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates to erect a toll bridge across the Blackwarrior river, at the falls of the town of Tuskalsoosa; was read a third time; and the blanks being filled, the bill was passed; *Ordered*, that the words "a bill to be entitled," be stricken out: *Ordered*, that the bill be sent to the Senate.

Message from the Senate by Mr. Garth: *Mr. Speaker*, I am instructed by the Senate to inform your Honourable body, that they have read a third time and passed, an act authorizing the administrator of David Dalton, deceased, to sell certain lots therein named.

A bill to be entitled, an act to fix the temporary seat of justice in the county of Bibb, was read a second time, and *Ordered* to be engrossed for a third reading to morrow.

A bill from the Senate to be entitled an act to appoint commissioners to lay out a certain road therein named, was read a second time.

Mr. Moore moved to amend the said bill by striking out the proviso--which was carried; *Ordered*, that the said bill be read a third time to morrow.

A bill from the Senate to be entitled, an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this state, was read a first time; and *Ordered*, to be read a second time to morrow.

A bill to be entitled, an act for the relief of John Bishop, was read a second time; and *Ordered*, to be read a third time to morrow.

A bill to be entitled, an act to authorize Richard Rapier, administrator of Claiborne Mays, deceased, to sell a certain lot of land therein mentioned, was read a second time; and *Ordered*, to be engrossed for a third reading to morrow.

Mr. Bagby offered the following Resolution:

Resolved, That a committee of three members be appointed by this House, to take into consideration the expediency of memorializing the Congress of the United States, upon the subject of the claims of colonel Samuel Dale, for services performed during the Creek war. The services performed by the said Dale are and ever will be, fresh in the recollection of the people of this state, especially those distressed families who resided immediately on our frontier.

Resolved, further, That the said committee be instructed to examine such testimony and vouchers in support of said claims as may be brought before them; and that the same accompany said memorial: and Messrs. Bagby, Crenshaw,

and Armstrong are said committee; which resolution was adopted.

Mr. Crenshaw offered the following resolution: *

Resolved, That the committee on roads, bridges, ferries, &c. be instructed to inquire, whether it be expedient to establish a state road, commencing from some point on the northern boundary of this state, leading to Pensacola and Blakeley; which resolution was adopted.

The bill to be entitled, an act divorcing certain persons therein named, was taken into consideration; *Ordered*, that the said bill be referred to the committee on divorce and alimony.

A bill to be entitled, an act to authorize John Rose to cut out and open a road from the town of Cahawba, to Pinebarren creek, and receive toll for keeping it in repair; was read a second time, and *Ordered* to be engrossed for its third reading on to morrow.

A bill to be entitled, an act to incorporate Tuscaloosa Chapter of Royal Arch Masons, was read a second time.

Mr. Perry moved to amend the said bill by an additional section, incorporating the Alabama Chapter of Royal Arch Masons; which was adopted; *Ordered*, that the said bill be engrossed for its third reading to morrow.

A bill to be entitled, an act authorizing the Intendant and Council of the lower part of Tuscaloosa, to erect a toll bridge across the Blackwarrior river, was read a second time; and *Ordered* to be engrossed for a third reading to-morrow.

A bill to be entitled, an act to authorize the issuing of Treasury notes, was read a second time; and referred to the committee of ways and means; *Ordered* that the House adjourn till to morrow 10 o'clock.

Saturday, Nov. 17.

The House met pursuant to adjournment.

Mr. Fleming from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry inhabitants of Morgan county, Reported, that the prayer of the petitioners ought not to be granted. *Ordered*, That the House concur in said report.

Mr. Moore from the committee on accounts, to whom was referred the account of John Bell, Reported, that the said account is unreasonable and ought not to be allowed. *Ordered*, That the House concur in said report.

A bill to be entitled an act to authorize Richard Rapier administrator of Claiborne Mays, deceased, to sell a certain

lot of land therein named--was read a third time and passed. *Ordered*, That the words "A bill to be entitled," be stricken out. *Ordered*, That the said bill be sent to the Senate.

The following message was received from His Excellency the Governor, by Mr. Pleasants, Secretary of State.

Executive Department, Cahawba, Nov. 16, 1821.
Gentlemen of the Senate,
and of the House of Representatives.

I have received the resignation of John Gayle, Esq. solicitor of the first judicial circuit. I have also been apprized of the death of Thomas Heald, Esq. Judge of the County Court of Baldwin county.

These vacancies are required to be filled by the General Assembly.

ISRAEL PICKENS.

Mr. Craig offered the following resolution: *Resolved*, That the committee on roads bridges, and ferries, be instructed to inquire into the expediency of establishing a state road leading from Florence by Tuscaloosa, to Mobile in this State--which was adopted.

A bill to be entitled an act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine Barren creek, and receive toll for keeping it in repair--was read a third time, and the blanks being filled it was passed. *Ordered*, That the words "A bill to be entitled," be stricken out. *Ordered*, That the same be sent to the Senate.

Message from the Senate by Mr. Lyon their secretary: *Mr. Speaker*, I am directed to inform your honourable body, that the Senate have concurred in the joint resolution of the House of Representatives, proposing to appoint a committee on their part to act with such committee as may be appointed on the part of the Senate, to take into consideration the expediency of memorializing the congress of the United States upon the subject of the claims of Colonel Samuel Dale, for services performed during the Creek war, and that they have appointed a committee on their part, to consist of Messrs. Elliott, Gause and Conner.

I am also directed to inform the House, that the Senate have concurred in the resolution upon the subject of memorializing the Congress of the United States on the propriety of removing the prohibition imposed on the state of Alabama, at its admission into the Federal Union, and that the Senate have appointed a committee on their part, to consist of Messrs. Elliott, Rose and Chambers.

Mr. Weedon offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be and he is hereby required to settle and cause to be paid off, the debt due by this State to the Planters and Merchants Bank of Huntsville, out of any money in the Treasury not otherwise appropriated. Which was ordered to lie on the table.

Mr. Weedon offered the following resolution :

Whereas, doubts may exist in the construction of the 8th section of the act of the General Assembly, passed on the 20th Dec. 1820, entitled an act to organize the militia of this State, whether the power of revising the decisions of courts martial on contested elections appertains to the Governor---Therefore,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That such power shall be considered to appertain to the Governor as commander in chief.

On motion of Mr. Perry, *Ordered*, that said resolution be indefinitely postponed.

Message from the Senate by Mr. Lyon, their secretary :
Mr. Speaker, I am directed to inform your honourable body that the Senate have adopted the following resolution, in which they desire your concurrence :

Resolved by the Senate, that a committee be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives to contract for the printing of copies of the Constitution of this State ; and that they have appointed a committee on their part, to consist of Messrs. Davis, Hogg, and Rose.

I am also directed to inform your honourable body, that the Senate have concurred in the amendment made by the House of Representatives on the bill to be entitled an act to prevent sheriffs and other officers, levying executions in certain cases.

On motion of Mr. Williams the House agreeable to a previous order, resolved itself into a committee of the whole House, on the message of the Governor, Mr. Weedon in the chair ; and after some time spent in the consideration thereof, the committee rose, and Mr. Weedon obtained leave to report on Monday next.

Mr. Moore laid before the House the Comptroller's annual report. *Ordered*, that the same be referred to the commit-

tee of ways and means. *Ordered*, that 100 copies of the same be printed.

Ordered, That the House adjourn till Monday morning ten o'clock.

Monday, November 19th 1821.

The House met pursuant to adjournment.

Message from the Senate by Mr. Lyon:

Mr. Speaker and gentlemen of the House of Representatives, I am directed to inform your honourable body, that the Senate have read a third time and passed;

An act to authorize the administrators of Benjamin C. Benham, deceased, late of Limestone county, to sell a tract of land therein designated, and for other purposes; and that the Senate have amended the same, by adding the following after the words, "Alabama Republican," "so soon as the said administrator shall have executed his bond to the Judge of the County Court, and his successors in office, conditioned, that the money arising from such sale, shall be applied according to law, in such cases made and provided."

And that they have read a third time and passed, an act to authorize the Judge of the County Court of St. Clair county, to levy a tax to remunerate John Cunningham: In which they desire your concurrence.

Mr. Allen presented the petition of sundry persons praying the remission of a fine therein mentioned; which was received and referred to the committee on propositions and grievances.

Mr. Philpott presented a petition praying the establishment of a turnpike road therein named---which was received, and referred to the committee on roads, bridges, ferries, &c.

Mr. Pickett from the committee on divorce and alimony, to whom was referred a bill to be entitled an act divorcing certain persons therein named, reported the same as amended---which was read a second time, and *Ordered* to be engrossed for its third reading to-morrow.

Mr. M^{rs} Henry from the select committee, to whom was referred a bill to be entitled an act to establish additional election precincts in Lauderdale, reported the same as amended---which was read a second time. The following amendments were successively offered and adopted:

By Mr. Greening,---*And be it further enacted*, That the election precinct heretofore established at Cumming's mill

in the county of Conecuh, be, and the same is hereby discontinued; and that an additional election precinct be established at Zuber's store.

By Mr. Murrell,---*And be it further enacted*, That the election heretofore held at Strange's mill in Limestone county, be hereafter held at the dwelling house of the said Edmund Strange.

By Mr. Hardwicke,---*And be it further enacted*, That there shall be an additional election precinct held at the muster ground of Captain Nutts, in the county of St. Clair.

By Mr. Weedon,---*And be it further enacted*, That there shall be one additional election precinct at the house of Captain Jacobs, at Ditto's landing, in Madison county.

By Mr. Allen,---*And be it further enacted*, That there be an additional precinct at a place called Old-town, in Jefferson county. *Ordered*, that the said bill be engrossed, and made the order of the day for its third reading to-morrow.

Mr. Williams from the committee of ways and means, to whom was referred the bill to be entitled an act to authorize the issuing of Treasury notes, reported the same with amendments. *Ordered*, that the House concur in said amendments. *Ordered*, that said bill be committed to a committee of the whole House, and be made the order of the day for Wednesday next. *Ordered*, that 54 copies of the said bill be printed under the superintendence of Mr. the liams.

The Speaker laid before the House the report of the commissioners appointed to receive proposals from the directors of the several incorporated Banks of the State, of the terms and conditions upon which said several banks will become branches of the Bank of the State of Alabama. *Ordered*, that said report be referred to the select committee to whom was referred so much of the late acting Governor's message as relates to the State Bank.

Mr. Morton offered the following resolution:

Resolved, That a committee of two members be appointed to inform the Senate, that this House be ready at the hour of 12 o'clock to-morrow to go into the election of a solicitor for the first judicial circuit, and a State printer---which resolution was adopted: Whereupon Messrs. Morton and Philpott were appointed said committee.

The following bills were severally read a third time and passed, to wit:

A bill to be entitled an act to fix the temporary seat of justice for the county of Bibb.

A bill from the Senate, to be entitled an act to appoint commissioners to lay out a certain road therein named.

A bill to be entitled an act for the relief of John Bishop.

A bill to be entitled an act to incorporate the Tuskaloosa and Alabama Chapter of Royal Arch Masons.

A bill to be entitled an act authorizing the Intendant and council of the lower part of Tuskaloosa to erect a toll bridge across the Black-warrior river. *Ordered*, that the titles be as aforesaid. *Ordered*, that the Senate be acquainted therewith.

The House took into consideration the bill to be entitled an act to regulate proceedings upon the claims of property under execution. *Ordered*, that said bill be referred to the judiciary committee.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, I am instructed by the Senate to inform your honourable body, that they have read a third time and passed, An act authorizing the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the State to the Huntsville Bank.

An act for the relief of purchasers at the first sale of lots in the town of Cahawba.

An act to incorporate the Mobile Steam-boat Company.

An act to alter the boundary line between the counties of Clark and Monroe.

And an act to authorize the Catholic congregation of Christians in the city of Mobile to sell certain real estate therein mentioned, and for other purposes. In which they desire your concurrence.

Mr. Weedon from the committee of the whole House, on the communication of His Excellency, according to leave granted on Saturday, reported the following resolutions:

Resolved, That so much of said message as relates to the Seminary lands, be referred to the committee on schools and colleges and school and college lands.

Resolved, That so much of said message as relates to the depreciated currency of this state, be referred to the committee of ways and means.

Resolved, That so much of said message as relates to the revenue of the state, be referred to the committee of ways and means.

Resolved, That so much of said message as relates to the

purchasers of lots in the town of Calmwha, be referred to the committee of propositions and grievances.

Resolved, That so much of said message as relates to the propriety of issuing Treasury notes, be referred to the committee of ways and means.

Resolved, That so much of said message as relates to the establishment of a board of public works, be referred to the committee on inland navigation.

Resolved, That so much of said message as relates to the Courts of Justice, be referred to the Judiciary committee.

Resolved, That so much of said message as relates to the Chickasaw Indians, be referred to the committee of propositions and grievances.

Resolved, That so much of said message as relates to the fund appropriated by the general government for internal improvement in this state, be referred to the committee of roads, bridges and ferries; and so much as relates to certain roads, leading from one extreme of the state to the other, be referred to the same committee.

Resolved, That so much of the said message as relates to the report of the Quarter Master General, be referred to the military committee.

Resolved, That so much of said message as relates to certain resolutions, passed by the legislature of Georgia, representing that the Creek and Cherokee nations of Indians, are desirous of making certain cessions of their territory, be referred to a select committee.

Messrs. Hardwicke, Williamson and Fitzpatrick are appointed said committee.

Resolved, That so much of said message as relates to the executive records, be referred to a select committee.

Whereupon, Messrs. Williams and Magoffin are appointed said committee.

Resolved, That so much of said message as relates to the impediments to the navigation of the Tombeckbe and the Alabama rivers, and their tributary streams, and to a communication between the waters of the Mobile bay, and those of the Tennessee and Holston rivers, be referred to the committee on inland navigation.

Ordered, That the House concur in said report.

The House took into consideration a bill to be entitled, an act respecting rents.

Mr. Bagby moved, that the farther consideration of said bill be indefinitely postponed; which was decided in the ne-

gative. The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Bagby, Craig, Evans, Greening, Graham, Morton, Pickett, Parham, Tagert, Thompson—10

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Barclay, Beene, Carr, Clay, Crenshaw, Dale, Davis, Duckworth, Edmondson, Elmore, Fitzpatrick, Fleming, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Martin, M'Henry, Norwood, Powell, Philpott, Perry, Skinner, Smith, Vining, Weedon, Williams, Williamson—40.

Ordered, That the said bill be referred to the Judiciary committee.

A bill to be entitled, an act to repeal in part, and amend an act entitled, an act to constitute a court of oyer and terminer for the trial of slaves and for other purposes, was read a second time; *Ordered*, that the same be referred to the Judiciary committee.

Mr. Davis offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of revising and reducing into one, all the acts now in force for the trial of slaves; which was adopted.

A bill to be entitled, an act to extend the duties of justices of the peace, was read a second time. Mr. Weedon moved to amend the said bill by striking out all, after the enacting clause; which was decided in the affirmative.

The following bills were read a second time, to wit: A bill to be entitled, an act for the relief of William Walton; a bill to be entitled, an act to establish a road therein named; *Ordered*, that said bills be engrossed and made the order of the day for to-morrow.

A bill to be entitled, an act supplementary to an act to suppress duelling, passed on the 17th of December, 1819, read second time, and ordered to lie on the table.

A bill from the Senate to be entitled an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State, was read a second time—and referred to the judiciary committee.

A bill to be entitled an act to provide for the digesting of the laws of the State of Alabama—was read a second time. *Ordered*, That the same be committed to a committee of the whole House, and made the order of the day for to-morrow.

A bill to be entitled an act to amend the election laws now in force in this State, was taken up. Mr. Masterson

moved, that the further consideration of the said bill be indefinitely postponed---which was carried. The Ayes and Nays being called for, those who voted in the affirmative are, Mr. Speaker, Allen, Anderson, Bagby, Barclay, Beene, Crenshaw, Craig, Dale, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Hardwicke, Jones, Montgomery, Magoffin, Murrell, Masterson, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Perry, Parham, Skinner, Smith, Tagert, Thompson, Williams, Williamson—37.

Those who voted in the negative are, Messrs. Ayers, Carr, Clay, Davis, Graham, Holderness, Hopkins, King, Miller, Philpott, Vining, Weedon—12.

A bill to be entitled an act authorizing a lottery, for the making of a turnpike road leading from the city of Mobile to Bogue Chitto creek, in the county of Mobile---was read a second time.

Mr. Parham offered an amendment, authorizing sundry persons to raise a sum of money by lottery; which was adopted. *Ordered*, That the same be engrossed for a third reading to-morrow.

A bill to be entitled an act to define the power of the Judges of the Circuit Courts of this State, and to fine and imprison persons on State prosecutions, was read a second time; and *Ordered*, to be referred to the judiciary committee.

A bill to be entitled an act permanently to fix the seat of justice for the county of Tuscaloosa, was read a second time and amended. *Ordered*, That the same be engrossed for a third reading to-morrow.

Mr. Barclay offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reducing into one act, all the duties of Justices of the Peace, sheriffs, coroners and constables; and annex thereunto their several fees---which was adopted.

Ordered, That Mr. Magoffin be added to the committee on inland navigation.

The House took into consideration the amendment made by the Senate to the bill to be entitled an act to authorize the administrators of Benjamin C. Benham, deceased, of Limestone county, to sell a tract of land therein designated, and for other purposes---and concurred in the same.

The following bills from the Senate were read a first time, to wit:

An act to authorize the Judge of the County Court of St. Clair to levy a tax to remunerate John Cunningham.

An act for the relief of purchasers at the first sale of lots in the town of Cahawba.

An act authorizing the Governor to borrow a certain sum of money therein mentioned, and settle the debt due by the State to the Huntsville Bank.

An act to incorporate the Mobile Steam Boat Company.

An act to alter the boundary line between the counties of Clark and Monroe. And,

An act to authorize the Catholic congregation of Christians, in the city of Mobile, to sell certain real estate therein named, and for other purposes.

Ordered, That the said bills be read a second time to-morrow.

Ordered, That Mr. Morton be added to the judiciary committee.

Mr. Pickett obtained leave to introduce a bill to be entitled an act to fix the time of convening the General Assembly of the State of Alabama---which was read a first time, and *Ordered* to be read a second time to-morrow.

Ordered, That the House adjourn till to-morrow morning 10 o'clock.

Tuesday, November 20.

The House met pursuant to adjournment.

Mr. Crenshaw from the judiciary committee to whom was referred the resolution of the House, instructing said committee to inquire into the expediency of revising and reducing into one, all the acts now in force for the trial of slaves. Reported, that it is inexpedient to revise at present, and reduce into one, all the acts now in force for the trial of slaves, in any other way than by a digest of the laws of this State, contemplated by a bill now before the House. *Ordered*, That the House concur in said report.

Mr. Crenshaw from the same committee, to whom was referred a bill to be entitled an act to regulate proceedings upon the claims of property under execution, reported the same with amendments; in which the House concurred.--- The bill was then read a second time. *Ordered*, That the same be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Crenshaw, from the same committee, to whom was referred a bill to be entitled, an act to repeal in part, and amend an act entitled, an act to repeal, in part, and amend an act entitled, an act to regulate the proceedings in the courts of law and equity in this state, passed on the 14th day of June last, offered the following: *Report*, that they have had the same under consideration, and are of opinion, that

it is inexpedient at present to make the alterations in the present county court system, as contemplated by the said bill. They, therefore, beg leave to report the same to the House, without any amendment. Mr. Armstrong moved, that the House concur in said report; which was lost.

On motion of Mr. Craig, *Ordered*, that the Judiciary committee be discharged from the further consideration of the said bill; *Ordered*, that the said bill be referred to a committee of the whole house, and made the order of the day for to morrow.

Mr. Perry from the committee on enrolled bills, reported that said committee had examined an act to authorize the administrators of Benjamin C. Benham, deceased, of Limestone county, to sell a tract of land therein designated, and for other purposes; and find the same correctly enrolled.

Mr. Fleming from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry inhabitants of St. Clair county, reported that the prayer of the petitioners is unreasonable, and ought to be rejected.

Mr. Magoffin from the select committee to whom was referred the petition of John Dixon, reported a bill to be entitled, an act to authorize John Dixon to emancipate a certain slave therein named; which was read a first time, and *Ordered*, for a second reading to morrow.

A message from the Senate by Mr. Lyon their secretary: *Mr. Speaker*; I am directed to inform your honorable body, That the Senate have concurred in the resolution of the House of Representatives proposing to go into the election of a solicitor of the first Judicial circuit, and a state printer, this day at 12 o'clock.

Mr. M'Henry obtained leave to introduce a bill to be entitled, an act appointing commissioners to lay out a certain road therein designated; which was read a first time, and *Ordered*, for a second reading to morrow.

Mr. Morton offered a resolution explanatory of the 12th, section of an act entitled, an act to organize the militia of this state, passed 20th December, 1820; which was lost.

Mr. Vining obtained leave to introduce a bill to be entitled, an act reducing the fees of sheriffs and constables; which was read a first time, and ordered for a second reading to morrow.

A message from the Senate, by Mr. Lyon, their secretary, informing this House, that the Senate disagree to the amendment made by this House in the act to appoint com-

missioners to lay out a certain road therein named. On motion of Mr. Moore, *Ordered*, that this House insist on said amendment.

Engrossed bills of the following titles were severally read a third time and passed, to wit: An act authorizing a lottery for the making of a turnpike road, leading from the city of Mobile to Boguechitto creek, in Mobile county, and to authorize a lottery to erect and furnish a Masonic Hall for the use and benefit of Russellville lodge, No. 7. An act permanently to fix the seat of justice for the county of Tuscaloosa; An act to establish a road therein named; An act to establish additional election precincts in certain counties therein named, & for other purposes; An act for the relief of William Walton; An act divorcing certain persons therein named; *Ordered*, that the titles of the said bills be as aforesaid; *Ordered*, that they be sent to the Senate for their concurrence.

Ordered, That the Senate be informed that the House of Representatives is now ready to receive them, to go into the election of a solicitor of the first Judicial circuit, and a state printer.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a solicitor of the first Judicial circuit; Eldridge S. Greening and John Elliott, being in nomination: the vote stood thus; those who voted for Mr. Greening, are

Messrs. Davis, Devereux, Garth, Lanier, M'Vay, Wingate, [of the Senate.] Mr. Speaker, Allen, Anderson, Ayers, Bagby, Barclay, Brown Carr, Clay, Crenshaw, Craig, Davis, Edmondson, Evans, Elmore, Fleming, Graham, Holderness, Hopkins, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, Pickett, Philpott, Pugh, Smith, Vining—40.

Those who voted for Mr. Elliott, are

Mr. President, Casey, Conner, Chambers, Dennis, Hanby, Hogg, Lucas, Rose, Trotter Ware, [of the Senate.] Beene, Dabney, Duckworth, Fitzpatrick, Hardwicke, Jones, Kennedy, M'Henry, Norwood, Powell, Perry, Skinner, Tagert, Thompson, Weedon, Williams, Williamson—23.

Mr. Greening having a majority of both Houses, the Speaker declared him duly elected the solicitor of the first judicial circuit.

The two Houses then proceeded to the election of a state printer; and no person being in nomination but William Allen, and every member present voting for him, the Speaker announced him unanimously elected.

The House took into consideration a bill to be entitled an act supplementary to an act entitled an act to suppress duelling, passed 17th Dec. 1819. *Ordered*, That said bill be committed to a select committee. Whereupon, Messrs.

Williamson, Armstrong and Moore, were appointed said committee.

A message from the Senate by Mr. Lyon their Secretary, informing this House, that the Senate insist upon their disagreement to the amendment made by this House, to the act to appoint commissioners to lay out a certain road therein named. *Ordered*, That this House adhere to said amendment.

A bill from the Senate entitled an act to authorize the Judge of the County Court of St. Clair to levy a tax to remunerate John Cunningham---was read a third time and passed. *Ordered*, That the same be sent to the Senate.

A bill to be entitled an act authorizing the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the State to the Huntsville Bank, was read a second time, and referred to the committee of ways and means.

The following bills from the Senate were read a second time:

A bill to be entitled an act to incorporate the Mobile Steam Boat Company.

A bill to be entitled an act to alter the boundary lines between the counties of Clark and Monroe.

A bill to be entitled an act to authorize the Catholic congregation of Christians in the city of Mobile, to sell certain real estate therein mentioned, and for other purposes.

Ordered, That said bills be read a third time to-morrow.

A bill from the Senate to be entitled an act for the relief of purchasers at the first sale of lots in the town of Cahawba, was read a second time. *Ordered*, That the same be committed to a committee of the whole House, and be made the order of the day for Thursday next.

A bill to be entitled an act to fix the time for convening the General Assembly of the State of Alabama, was read a second time and amended. *Ordered*, That the same be engrossed for a third reading to-morrow.

Ordered, That the House adjourn till to-morrow morning 10 o'clock.

Wednesday, Nov. 21.

The House met pursuant to adjournment.

Mr. Weedon presented the petition of Thomas Phillips, praying indemnity for a negro man killed while opening a public road; which was received and referred to a select committee. Messrs. Weedon, Martin and King were appointed said committee.

Mr. Anderson presented the petition of the tax collector of Lawrence county, praying that a sum of money may be refunded to him for reasons therein named; which was received, and *Ordered* to be referred to a select committee. Whereupon, Messrs. Anderson and Morton, were appointed said committee.

Mr. Crenshaw presented the petition of sundry inhabitants of Butler county, praying to be allowed a separate representation; and praying an alteration in the present boundaries of said county; which was received. *Ordered*, That so much of said petition as relates to representation be referred to the committee on apportionment. *Ordered*, that so much of said petition as relates to the alteration of the boundaries of said county, be referred to the committee on county boundaries.

Mr. Williams from the committee of ways and means, to whom was referred so much of the Governor's communication as relates to the revenue of this State, *Reported* a bill to be entitled an act for assessing and collecting of the taxes of this State---which was read a first time. *Ordered*, that the same be made the order of the day, for its second reading on Friday next: and, that fifty four copies be printed.

Mr. Anderson presented the petition of Samuel Gragg and John S. White administrators of John Eilis, deceased, praying authority to sell certain land therein named---- which was received and referred to a select committee: Whereupon, Messrs. Anderson and Morton were appointed said committee.

Mr. Leake from the committee on county boundaries, presented a report, accompanied by a bill to be entitled an act to establish certain counties therein named, and for other purposes----which was read a first time. *Ordered*, that the House concur in said report. *Ordered*, that the said bill be read a second time to-morrow.

Mr. Fleming from the committee on roads, bridges and ferries, to whom was referred the petition of sundry inhabitants of Morgan county, *Report*, that it is inexpedient at this time to grant the prayer of the Petitioners. In which report the House concurred.

Mr. Craig from the committee on schools and colleges and school and college lands, to whom was referred a bill to be entitled an act to amend an act entitled an act to amend an act to provide for leasing for a limited time the lands re-

served by the Congress of the United States for the purpose of schools within each township in this State, for a seminary of learning, and for other purposes, passed on 20th December 1820---reported the same with amendments,---concurring in. *Ordered*, that the same be engrossed for a third reading to-morrow.

Mr. Crenshaw from the judiciary committee to whom was referred a bill to be entitled an act to define the power of the Judges of the Circuit Courts in this State, to fine and imprison persons on State prosecutions,---reported the same without amendment. *Ordered*, that the House concur in said report. *Ordered*, that the said bill be engrossed for a third reading to-morrow.

Mr. Crenshaw from the same committee, to whom was referred the resolution "to inquire into the expediency of reducing into one act all the duties of Justices of the Peace, Sheriffs, Coroners and Constables, and annex thereto their several fees,"---*Reported* that it is inexpedient at this time to do so; inasmuch as that object is substantially embraced in a report already before this House. *Ordered*, that the House concur in said report.

Mr. Crenshaw from the same committee, to whom was referred a bill to be entitled an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State,---*Reported*, the same without amendment. *Ordered*, that the same be referred to a select committee:---Whereupon, Messrs. Moore and Magoffin were appointed said committee.

Mr. Crenshaw from the same committee to whom was referred a bill to be entitled an act concerning rents,---*Reported* the same without amendment. *Ordered*, that the House concur in said report.

Mr. Davis obtained leave to introduce a bill to be entitled an act to establish the permanent seat of justice in the county of Shelby---which was read a first time, and *Ordered* for a second reading to-morrow.

Mr. Clay from the select committee to whom was referred a bill to be entitled an act to authorize William Crawford and company of Franklin county, to build a mill and other water-works, on the Tennessee river,---*Reported* the same with amendments---which report was concurred in. *Ordered*, that the same be read a second time to-morrow.

Mr. Powell obtained leave to introduce a bill to be entitled an act supplementary to an act entitled an act for the

relief of securities---which was read a first time, and *Ordered* for a second reading to-morrow.

Mr. Smith offered the following resolution :

Resolved, That a committee be appointed to inquire into the extent, and situation of a tract of country, together with the probable number of settlers upon the same, which lies east of Marion county, north of Jefferson and Tuscaloosa counties, west of Blount county, and south of Morgan and Lawrence counties, and report the same to this House---which was adopted.

Mr. Graham obtained leave to introduce a bill to be entitled an act to incorporate the town of Sparta, and for other purposes---which was read a first time, and *Ordered* for a second reading to-morrow.

On motion of Mr. Crenshaw, the House resolved itself into a committee of the whole, on the bill to be entitled an act to provide for the digesting the laws of the State of Alabama; and after some time spent therein, the committee rose and Mr. Crenshaw reported the said bill with amendments---in which the House concurred. *Ordered*, that the same be engrossed for a third reading to-morrow.

The House resolved itself into a committee of the whole House---Mr. Greening in the chair, on the bill to be entitled an act to amend the law regulating the proceedings upon the claims of property under execution; and after some time spent therein the committee rose, and Mr. Greening reported the bill as amended. *Ordered*, that the said report lie on the table.

The following bills from the Senate were read a third time and passed, to wit :

An act to authorize the Catholic congregation of Christians in the city of Mobile to sell certain real estate therein mentioned, and for other purposes. And,

An act to incorporate the Steam-boat company of Mobile. *Ordered*, that the Senate be acquainted therewith.

Ordered, that the House adjourn till to-morrow morning ten o'clock.

Thursday, November 22.

The House met pursuant to adjournment.

Mr. Greening presented the petition of sundry inhabitants of Butler county, praying the establishment of a road therein named---which was received and referred to the committee on roads, bridges, and ferries.

Mr. Craig from the committee on schools and colleges,

and school and college lands, to whom was referred so much of the Governor's message as relates to seminary lands and the establishment of a State University. *Reported* a bill to be intitled an act supplementary to an act to establish a State University---which was read a first time. *Ordered*, that the same be made the order of the day for its second reading on Monday next, and that seventy-five copies be printed.

Mr. Weedon from the select committee, to whom was referred the petition of Thomas Philips, reported a bill to be entitled an act for the relief of Thomas Philips---which was read a first time.

On motion of Mr. Armstrong, *Ordered*, that the further consideration of said bill be indefinitely postponed. The yeas and nays thereon being called for,

Those who voted in the affirmative are,

Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Barclay, Beebe, Brown, Clay, Dale, Duckworth, Edmundson, Evans, Elmore, Greenleaf, Graham, Hardwicke, Jones, Marrell, Masterson, McHenry, Powell, Perry, Parham, Smith, Tagert, Williamson---27.

Those who voted in the negative are,

Messrs. Allen, Carr, Crenshaw, Craig, Davis, Fitzpatrick, Fleming, Holderness, Hopkins, Kennedy, King, Leake, Montgomery, Magoshia, Miller, Moore, Morton, Martin, Norwood, Philpott, Skinner, Thompson, Vining, Weedon, Williams---25.

Message from the Senate by Mr. Lyon their secretary, informing the House that they had passed a joint resolution to instruct the Senators and Representative of this State, in Congress, to use their exertions to cause the attention of Congress to be directed towards the practicability of connecting the waters of the Holston and Tennessee rivers with the waters of the Mobile river: that they have also read a third time, and passed, A bill to be entitled, an act to repeal part of an act therein named; also, an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, to erect a toll bridge over the Black Warrior river at the falls of the town of Tuskalooza, which they have amended, both of which originated in this House; and in all of which they desire the concurrence of this House.

Mr. Morton from the committee to whom was referred the drafting the bill to apportion the representation in both branches of the General Assembly, *Reported*, A bill to be entitled an act to apportion the Representatives among the several counties in this State, and to divide the same into senatorial districts according to the late census---which was

read a first time, and *Ordered* for a second reading on Monday next. *Ordered*, That seventy-five copies of said bill be printed for the use of this House.

Mr. Anderson from the select committee, to whom was referred the petition of Eugenio Campbell, reported A bill to be entitled an act for the relief of Eugenio Campbell, tax collector of Lawrence county---which was read a first time, and *Ordered* for a second reading to-morrow.

Mr. Vining obtained leave to introduce a bill to be entitled an act to amend the laws now in force in this State for the punishment of the crime of horse stealing---which was read a first time, and *Ordered* for a second reading to-morrow.

A bill to be entitled an act to provide for digesting the laws of the State of Alabama---was read a third time and passed. *Ordered*, That the title be as aforesaid.

Ordered, That the same be sent to the Senate.

A message from the Senate by Mr. Lyon, their secretary, informing this House, that they have read a third time and passed a bill to be entitled, An act for the relief of Josiah D. Lister, Esq. sheriff of Washington County ; which originated in this House.

The House resolved itself into a committee of the whole House, Mr. Martin in the chair, on the bill to be entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this State, passed the 14th day of June last; and after some time spent therein, the committee rose and Mr. Martin reported the bill as amended. Mr. Williams moved that the House concur in the amendment made by the committee, in striking out the first section of said bill, which was carried; the yeas and nays on the concurrence being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Carr, Clay, Crenshaw, Dale, Davis, Evans, Fitzpatrick, Fleming, Greening, Graham, Holderness, Montgomery, Morton, Martin, McHenry, Norwood, Powell, Philpott, Perry, Parham, Smith, Williams--27.

Those who voted in the negative are,

Messrs. Anderson, Ayers, Boone, Brown, Craig, Duckworth, Edmondson, Elmore, Hardwicke, Hopkins, Jones, Kennedy, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Pickett, Tagert, Thompson, Vining, Weedon, Williamson--25.

Ordered that the House concur in the second amendment made by the committee to said bill. *Ordered*, that said report lie on the table.

Mr. Williamson offered the following resolution:

Resolved, That a list of the enumeration of the several counties as returned, be printed, and annexed to the bill to be entitled an act to apportion the Representatives among the several counties of this State, and to divide the State into Senatorial districts, according to the late census--- which was adopted.

Ordered, that the House adjourn till to morrow morning ten o'clock.

Friday, November 23.

The House met pursuant to adjournment.

Mr. Evans presented the petition of sundry inhabitants of Wilcox, praying the establishment of a road therein named; which was received, and referred to the committee on roads, bridges and ferries.

Mr. Hardwicke presented the petition of sundry inhabitants of St. Clair and Shelby counties, praying an alteration in the boundary line of St. Clair county---which was received and referred to the committee on county boundaries.

Mr. Perry from the committee on enrolled bills, *Reported*, that said committee had examined the following bills: An act for the relief of Josiah D. Lister, sheriff of Washington county; and, an act to repeal part of a act therein named: and find the same correctly enrolled.

Mr. Williams from the committee of ways and means to whom was referred so much of His Excellency's message as relates to the revenue of this state, *Reported*, a bill to be entitled, an act to raise a revenue for the support of government, for the year 1822; which was read a first time; *Ordered*, that the same be read a second time on Tuesday next; and that seventy-five copies be printed.

Mr. Fitzpatrick from the committee of propositions and grievances, to whom was referred the petition of John M^r. Shan of Jefferson county, *Reported* a bill to be entitled, an act for the relief of John M^r. Shan of Jefferson county; which was read a first time, and *Ordered* for a second reading to morrow.

Mr. Williams from the committee of ways and means to whom was referred a bill to be entitled, an act authorizing the governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the state to the Huntsville Bank, *Reported* the same without amendment. Mr. Weedon offered the following amendment to the said bill:

Be it enacted, That the governor be, and he is hereby required, to cause to be surveyed and laid off, all the lands belonging to the state adjoining the town of Cahaba: in c

tracts of such size as he may think most saleable; *Provided*, that not more than one hundred acres shall be laid off in any one tract.

And be it further enacted, That when the lands are surveyed he shall cause the same to be sold on the Monday of next, in the same manner, and upon the terms of payment as are now provided by law for the sale of lots in the town of Cahawba.

Mr. Williams moved the following amendment to the amendment:

And be it further enacted, That the minimum price of the aforesaid land shall be not less than dollars per acre; which was adopted. The question then being put on the adoption of the amendment as amended, it was decided in the negative. The ayes and nays being called for, thereon, those who voted in the affirmative, are,

Messrs. Allen, Ayers, Beene, Brown, Edmondson, Fleming, Holderness, Hopkins, King, Leake, Murrell, Masterson, Miller, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Vining, Weedon, Williams—24.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Carr, Clay, Crenshaw, Craig, Dale, Davis, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Jones, Kennedy, Montgomery, Magoffin, M'Henry, Norwood, Pickett, Smith, Tagert, Thompson, Williamson—29.

Mr. Moore moved to amend the said bill by striking out all that part, which relates to the loan; which was decided in the negative. The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Armstrong, Bagby, Beene, Brown, Clay, Davis, Edmondson, Fleming, Hardwicke, Holderness, Hopkins, King, Leake, Murrell, Miller, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Vining, Weedon—25.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Barclay, Carr, Crenshaw, Craig, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Jones, Kennedy, Montgomery, Magoffin, Masterson, M'Henry, Norwood, Pickett, Smith, Tagert, Thompson, Williams, Williamson—23.

Ordered, That the said bill be read a third time to morrow.

A message from the Senate, by Mr. Lyon, their secretary, informing, that the Senate have read a third time and passed the following bills:

An act supplementary to the several acts in relation to highways, bridges, and ferries.

An act to amend and repeal a part of the second section of an act to authorise the governor to dispose of the public arms of this state, passed on the 7th day of December, 1820.

An act to amend an act entitled, an act to reduce into one, the several acts concerning strays, passed the 31st of December, 1819.

An act to authorize administrators to sell real estate in certain cases. In all of which they request the concurrence of this House. They have also read a third time and passed,

An act to fix the temporary seat of Justice in the county of Bibb.

An act to authorize Richard Rapier, administrator of Claiborne Mays, deceased, to sell a certain lot of land therein mentioned; and

An act to incorporate the Tuskaloosa chapter and Alabama Chapter of Royal Arch Masons. All of which originated in this House.

Mr. Anderson from the select committee to whom was referred the petition of Samuel Gragg and John S. White, reported a bill to be entitled, an act to authorize the sale of certain lands therein named; which was read the first time, and *Ordered*, to be read a second time to morrow.

Mr. Elmore obtained leave to introduce a bill to be entitled, an act to establish a public road from Uchee bridge in the Creek nation to the United States boundary line, on Long creek; which was read a first time, and *Ordered* for a second reading to-morrow.

Mr. Evans obtained leave to introduce a bill to be entitled, an act to alter and amend the militia laws of this state; which was read a first time, and *Ordered* to be read a second time to morrow.

Mr. Weedon obtained leave to introduce a bill to be entitled, an act to provide a speedy remedy against Banks failing to pay specie, and for other purposes; which was read a first time, and *Ordered* for a second reading to morrow.

Ordered, that a hundred copies be printed.

The Speaker laid before the House the report of William Dunn, one of the commissioners, appointed by a resolution of this House of the 16th of June last, to examine the Tuskaloosa river above the falls; accompanied by an account for expenses incurred therein; *Ordered*, that the said report be referred to the committee on inland navigation; and that the said account be referred to the committee on claims.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled, an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements and their associates, to erect a toll bridge across the Blackwarrior river, at the falls of the town of Tuskaloosa.

The House took into consideration the resolution from the Senate to instruct the Senators and the Representatives of

this State, to use their exertions to cause the attention of Congress to be directed towards the practicability of connecting the waters of the Holston and Tennessee rivers with the waters of the Mobile river; which was read a first time, and *Ordered*, to be read a second time to morrow.

The House resolved itself into a committee of the whole, Mr. Craig in the Chair, on the bill from the Senate to be entitled, an act for the relief of purchasers at the first sale of lots in the town of Cahawba; and after sometime spent therein, the committee rose, and Mr. Craig reported the bill as amended; *Ordered*, that said report lie on the table.

The House adjourned until to morrow morning 10 o'clock.

Saturday, Nov. 24.

The House met pursuant to adjournment.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined bills of the following titles, to wit:

An act to authorize Richard Rapier, administrator of Claiborne Mays, deceased, to sell a certain lot of land therein named.

An act to fix the temporary seat of justice in the county of Bibb; and,

An act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements and their associates, to erect a toll bridge across the Blackwarrior river at the falls of the town of Tuskaloosa, and find the same truly enrolled.

Mr. Vining from the committee of claims to whom was referred the account of William Dunn, reported unfavourably to said account; *Ordered*, that the House concur in said report.

Mr. Weedon from the committee on inland navigation, to whom was referred that part of His Excellency's message relating to the impediments to the navigation of the Tombecbe and Alabama rivers, and their tributary streams, and to a communication between the waters of the Tennessee and Holston rivers and those of the Mobile bay, presented a report; which was received and concurred in.

Mr. Weedon from the same committee to whom was referred that part of His Excellency's message relating to the establishment of a Board of Improvement, reported a recommendation to this House of the establishment of said Board, and the appointment of a committee to draft a bill for that purpose. *Ordered*, that the House concur in said report.

Mr. Greening obtained leave to introduce a bill to be en-

titled, an act declaring Murder creek in the county of Conecuh, a navigable stream, and for other purposes, which was read a first time, and *Ordered* for a second reading on Monday next.

A message from the Senate by Mr. Lyon their secretary, informing this House, that the Senate had read a third time and passed the following bills, which originated in this House, to wit:

An act authorizing the Intendant and Council of the lower part of Tuskalooza, to erect a toll bridge across the Black-warrior river; and,

An act authorizing John Rose to cut out and open a road from the town of Cahawba to Pinebarren creek, and receive toll for keeping it in repair.

Mr. Weedon obtained leave to introduce a bill to be entitled, an act to authorize the sale of the public land adjoining the town of Cahawba; which was read a first time, and, *Ordered*, for a second reading on Monday.

Mr. Tagert offered a resolution authorizing a poll, at the next general election to vote to amend the constitution so as to make the election for Senators, Representatives, Treasurer and Comptroller, biennial; which was ordered to lie on the table.

Mr. Bagby offered a bill to be entitled, an act to repeal in part and amend an act therein named; which was read a first time, and *Ordered* for a second reading on Monday.

On motion of Mr. Moore, the House took into consideration the bill to be entitled, an act for the relief of purchasers at the first sale of lots in the town of Cahawba. *Ordered*, that the House concur in the report of the committee of the whole on said bill. Mr. Moore moved to strike out the first section; which was decided in the negative---yeas 21, nays 32. The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Barclay, Beene, Clay, Davis, Edmondson, Evans, Fleming, Holderness, King, Leake, Murrell, Mاستerson, Miller, Moore, Morton, Martin, Powell, Philpott, Perry, Vinlog, Weedon---21.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Brown, Carr, Crenshaw, Craig, Dabney, Dale, Duckworth, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Magoffin, M'Henry, Norwood, Parham, Skinner, Smith, Tagert, Thompson, Williams, Williamson---32.

Mr. Moore moved the following amendment to the first section of said bill:

And provided also, The right of transfer mentioned in this

act shall only extend to the purchasers or legal holders of any lot or lots actually owned in his own right at the time of the passage of this act; which was decided in the negative--- yeas 22, nays 31. The yeas and nays being called for, those who voted in the affirmative, are

Messrs Armstrong, Barclay, Beene, Clay, Davis, Edmondson, Evans, Holderness, King, Leake, Murrell, Masterson, Miller, Moore, Morton, Martin, M'Henry, Powell, Philpott, Perry, Vining, Weedon---22.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Bagby, Brown, Carr, Crenshaw, Craig, Dabney, Dale, Duckworth, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Norwood, Parham, Skinner, Smith, Tagert, Thompson, Williams, Williamson---31.

After the said bill was further amended, it was ordered to be engrossed for a third reading on Monday.

Bills from the Senate of the following titles, to wit:

An act to authorize administrators to sell real estate in certain cases.

An act to amend and repeal a part of the second section of an act to authorize the governor to dispose of the public arms of this state, passed on the 7th day of December, 1820;

And, an act supplementary to the several acts in relation to highways, bridges and ferries; were severally read a first time, and *Ordered* to be read a second time on Monday next.

The following bills, to wit: An act to fix the time of convening the General Assembly of the state of Alabama; and, An act to alter the boundary line between the counties of Clark and Monroe; were severally read a third time, and passed; *Ordered*, that the titles be as aforesaid; *Ordered*, that the same be sent to the Senate.

A message from the Senate by Mr. Lyon their secretary, informing this House, that the Senate had read a third time and passed, An act authorizing the administrator and administratrix of Thomas Talbert, deceased, to sell certain real estate; An act to amend an act giving jurisdiction to certain counties therein named; An act to establish a road therein named; An act to alter and extend the boundaries of Limestone county; and An act divorcing certain persons therein named; all of which originated in this House. And also, that they had passed a resolution to instruct our Senators and request our Representative in Congress, to use their exertions to procure the appropriation of the two per cent fund for the purpose of making roads in this state in conformity with the act of admission; in which they desire the concurrence of this House; and also, that they récede from their

disagreement to the amendment made by the House of Representatives to the bill to be entitled, an act to appoint commissioners to lay out a certain road therein named.

A bill from the Senate to be entitled an act to amend an act entitled an act to reduce into one the several acts concerning strays, passed 21st December 1820--- read a first time, and *Ordered* for a second reading on Monday next.

The *Resolutions* from the senate, to instruct the Senators and the Representatives of this State to use their exertions to cause the attention of Congress to be directed towards the practicability of connecting the waters of the Holston and Tennessee rivers with the waters of the Mobile river; were read a second time, and *Ordered* to lie on the table.

A bill to be entitled an act to provide a speedy remedy against Banks failing to pay specie, and for other purposes, was read a second time, and *Ordered* to be committed to a committee of the whole House, and made the order of the day for Tuesday next.

A bill to be entitled an act to authorize William Crawford and company, of Franklin county, to build a mill and other water-works, on the Tennessee river, and for other purposes---was read a third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out, and that said bill be sent to the Senate.

A bill to be entitled an act to establish certain counties therein named, and for other purposes, was read a second time; and committed to a committee of the whole House and made the order of the day for Monday next.

A bill to be entitled an act to amend the laws now in force in this State for the punishment of the crime of horse stealing---was read a second time, and *Ordered* to be engrossed for a third reading on Monday next.

A bill to be entitled an act for the relief of John M'Shan of Jefferson county---was read a second time, and *Ordered* to be engrossed for a third reading on Monday next.

Bills of the following titles, to wit:

An act to authorize the sale of certain lands therein named; and,

An act to establish the permanent seat of justice for the county of Shelby---were severally read a second time, and *Ordered* to be engrossed for a third reading on Monday next.

A bill to be entitled an act to establish a public road from the Uchee bridge, in the creek nation to the United States

boundary line on Line creek, was read a second time, and *Ordered* to lie on the table.

A bill to be entitled an act to define the power of the Judges of the Circuit Courts in this State, to fine and imprison persons on State prosecutions---was read a first time, and referred to a committee of the whole House, and made the order of the day for Monday next.

Mr. Greening offered the following resolution:

Resolved, that the judiciary committee be instructed to inquire into the expediency of altering the existing laws concerning bail; so that hereafter the leaving a copy of the writ at the house of the defendant, in all suits in this State, shall be deemed a legal service: *Provided* no bail is endorsed on said writ---which was adopted.

A bill to be entitled an act reducing the fees of Sheriffs and Constables---was read a second time, and referred to a select committee: Whereupon, Messrs. Craig and Vining were appointed said committee.

A bill to be entitled an act appointing commissioners to lay out a certain road therein designated..

Mr. M'Henry offered the following amendment---which was adopted, to wit:

Section 3. *And be it further enacted*, That the commissioners aforesaid, on making their report, shall return with the same their account for performing all the duties required of them by this act, which shall be regulated and fixed by the Legislature. *Ordered*, that the same be engrossed for a third reading on Monday next.

A bill to be entitled an act for the relief of Eugenio Campbell, tax collector of Lawrence county---was read a second time, and *Ordered* to be referred to the committee on propositions and grievances.

A message from His Excellency the Governor, by Mr. Pleasants, the Secretary of State:---

Executive Department, Cahawba. Nov. 24th.

Gentlemen of the Senate, and of the House of Representatives,
The irregularity discovered in the returns of the elections of Justices of the Peace appears to require some legislative provision. These elections are generally to fill vacancies occasioned by the resignation, death, or removal from the county of others who had filled the same office, and sometimes by the formation of new military beats.---The returns of these elections often omit to notice the nature of the vacancy, or the name of the preceding magis-

strate who has resigned, died, or removed. Hence the Executive records will not exhibit with any degree of certainty the Justices acting in commission at any one time.

This defect will appear very essential, when it is considered how often it becomes the Executive duty to grant certificates of Magistracy.

Nor has any mode been provided for deciding contested elections for these offices.

In calling the attention of the Legislature to this subject, it may not be an improper occasion to suggest the inquiry, whether some change may not be expedient in the mode of appointing this important class of officers.

I am very sensible of the difficulty of devising any plan that may not be objectionable. That now existing in this State is liable to some serious objections. *Judicial* appointments of every grade should if possible, be so made as not to require the Candidate to enter into a popular canvass; and in elections on this scale, men of the greatest merit will not always press themselves into successful notice. It may also be remarked, that neither the jurisdiction nor the usefulness of this Magistrate is confined to the military beat which selects him. The whole county is interested in a judicious selection, and ought to have some share in the appointment.

The mode which appears to me most advisable is the following:

Let a poll be kept annually at the general election in each county for five or more discreet persons--- these when elected to be a council or committee of appointment for the county. This council may be entrusted with the appointment not only of *Justices*, but also of *Constables*, *Coroners*, *Notaries Public*, *Assessors* and *Collectors* of taxes, *County Treasurers* and *Clerks*, (when officers of the last description may be constitutionally so chosen.) In case of a vacancy in any of these offices, the members of the council may be assembled at the office of the county clerk, for the purpose of filling it. Whose duty it may be made to keep a book for entry of appointments, and for noting resignations or other causes of vacancy. It may also be the duty of the clerk to administer and file the oaths of office, and enter a minute of the same on his book. For which service a small fee from the officer qualifying would answer as a compensation. It being the duty of the clerk to forward a certificate of all appointments requiring a commission

from the Governor, and also the resignations or other causes of vacancy.

This body may also perform the duties of commissioners of Revenue and roads.

In the appointment of the members of this council it is presumable the people would every where feel an interest that men of respectability and steadiness should be selected: and the office being altogether honorary it would not be deemed worth running after by those who would be unworthy of it.

I would also take this occasion to mention that very few of the offices of clerks of county or circuit courts are furnished with seals. It may be advisable to make some provision that these should be furnished out of the county funds, and to injoin this duty on the county Judge or some other officer.

I have the honor to be Your most obedient,

ISRAEL PICKENS.

Ordered, that the same be referred to a select committee: Whereupon, Messrs. Craig, Evans and Bagby are appointed said committee. *Ordered*, that seventy-five copies be printed.

Ordered, That the House adjourn till Monday morning ten o'clock.

Monday, November 26th 1821.

The House met pursuant to adjournment.

Mr. Dabney presented the petition of sundry inhabitants of Montgomery county, praying a division of the said county--which was received, and referred to the committee on county boundaries.

Mr. Clay presented the petition of the administrators of Daniel W. Michaux, deceased, praying the confirmation of the sale of certain lands therein named--which was received, and referred to the judiciary committee.

Mr. Fitzpatrick from the committee on propositions and grievances, to whom was referred so much of His Excellency's message as relates to the Chickasaw Indians, *Reported*, that it is inexpedient at this time to pass any law in relation thereto; inasmuch as there is a law now in force in this State on that subject. *Ordered*, that the House concur in said report.

Mr. Perry from the committee on enrolled bills, *Reported*, that the committee had examined bills of the following titles, to wit:

An act to incorporate Tuskalooosa Chapter, and Alabama Chapter of Royal Arch Masons.

An act to alter and extend the boundaries of Limestone county.

An act authorizing the Intendant and council of the lower part of Tuskalooosa, to erect a toll bridge across the Black-warrior river.

An act to authorize the administrator and administratrix of Thomas Talbert, deceased, to sell and convey certain real estate. and,

An act divorcing certain persons therein named; And find the same duly enrolled.

A bill to be entitled an act to authorize Elisha Thomas and Davis Gurley and their associates, to turnpike a certain road therein named---which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Powell offered the following resolution:

Resolved, that the committee of ways and means be instructed to inquire into the expediency of reducing the expenses of the State Government---which was adopted.

Mr. Williams obtained leave to introduce a bill to be entitled an act to allow compensation to William Dunn for examining the Black-warrior river, above the town of Tuskalooosa---which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Moore offered the following resolution:

Resolved, that the committee on roads, bridges, and ferries be instructed to inquire into the expediency of so amending the law now in force on the subject of public roads, as to authorize the payment of claims out of the county treasury, where it shall appear there are no road funds in the treasury---which was adopted.

Mr. King obtained leave to introduce a bill to be entitled an act concerning appeals taken from Justices of the Peace---which was read a first time, and *Ordered* to be read a second time to-morrow.

The resolutions from the Senate, to instruct our Senators in Congress and our Representative, to use their exertions to procure the appropriation of the two per cent. fund for the purpose of making roads to this state in conformity with the act of admission, were read a first time and ordered to be read a second time to-morrow.

A bill from the Senate entitled, an act supplementary to the several acts in relation to highways, bridges and ferries,

was read a second time, and referred to the committee on roads, bridges and ferries.

A bill from the Senate to be entitled, an act to amend and repeal a part of the second section of an act to authorize the governor to dispose of the public arms of this state, passed on the 7th day of December, 1820, was read a second time, and *Ordered*, to be read a third time to morrow.

A bill to be entitled, an act to authorize the sale of the public land, adjoining the town of Cahawba, was read a second time: Mr. Pickett moved, that the further consideration of the said bill be indefinitely postponed; which was decided in the negative—yeas 17, nays 35. The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Bagby, Carr, Crenshaw, Craig, Dale, Evans, Elmore, Fitzpatrick, Greening, Jones, Kennedy, Montgomery, McHenry, Norwood, Pickett, Tagert, Williamson—17.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson Armstrong, Ayers, Barclay, Beene, Brown, Clay, Dabney, Davis, Edmondson, Fleming, Graham, Holderness, Hopkins, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Smith, Thompson, Vining, Weedon, Williams—35.

Ordered, that the said bill be committed to a committee of the whole House, and be made the order of the day for to morrow.

A message from the Senate by Mr. Lyon, their secretary informing this House, that they had read a third time and passed a bill to be entitled, an act permanently to fix the seat of Justice in the county of Tuscaloosa, which originated in this House, & which they had amended, in which they ask the concurrence of this House; Also, that they had read a third time and passed, an act authorizing the administrators of Robert Morrow, deceased, to sell real estate, which originated in this House.

Mr. Bagby obtained leave to introduce a bill to be entitled, an act permitting Merchants, Shopkeepers, Tradesmen, Physicians and Apothecaries to prove their books of accounts; which was read a first time; and, *Ordered* for a second reading to morrow.

A bill from the Senate to be entitled, an act to authorize administrators to sell real estate in certain cases, was read a second time; and, *Ordered*, to be read a third time to morrow.

A bill from the Senate to be entitled, an act to amend an act, entitled an act, to reduce into one the several acts concerning strays, passed 21st, December, 1820, was read a

second time, and referred to a select committee, consisting of Messrs. Evans, Moore and Greening.

Bills of the following titles, to wit: An act declaring Murder creek, in the county of Conecuh a navigable stream, and for other purposes; and, an act to incorporate the town of Sparta, and for other purposes; were severally read a second time and ordered to be engrossed for a third reading to morrow.

A bill to be entitled, an act to repeal in part and amend an act therein named; was read a second time.

On motion of Mr. Greening. *Ordered*, that the further consideration of the said bill be indefinitely postponed.

A message from the Senate by Mr. Lyon, their secretary, informing this House, that the Senate had read a third time and passed, a bill to be entitled, an act to authorize a lottery for the making of a turnpike road leading from the city of Mobile to Boguechitto creek, in the county of Mobile, and for other purposes; which originated in this House; and, that they had made sundry amendments thereto, in all of which they desire your concurrence.

A bill from the Senate to be entitled, an act for the relief of purchasers at the first sale of lots in the town of Cahawba, was read a third time; and after several amendments and the blanks being filled, it was passed.

Engrossed bills of the following titles, to wit: An act to establish the permanent seat of Justice in the county of Shelby; an act to authorize the sale of certain lands therein designated; and, an act appointing commissioners to lay out a certain road therein designated; were severally read a third time and passed; *Ordered*, that the titles be as aforesaid: *Ordered*, That the same be sent to the Senate for their concurrence.

An engrossed bill entitled, an act to amend the laws now in force in this state for the punishment of the crime of horse stealing, was read a third time and passed.

The Yeas and Nays thereon being required,

Those who voted in the affirmative are,

Messrs. Allen, Anderson, Armstrong, Ayers, Beene, Clay, Dackworth, Evans, Elmore, Fleming, Greening, Hardwicke, Hollerness, Kennedy, King, Leake, Murrell, Miller, Norwood, Pickett, Parham, Skinner, Smith, Tagert, Vining, Williamson—26.

Those who voted in the negative, are

Mr. Speaker, Bagby, Barclay, Carr, Dabney, Davis, Edmondson, Fitzpatrick, Graham, Hopkins, Jones, Montgomery, Magoffin, Masterson, Moore, Norton, Martin, McHenry, Powell, Philpott, Perry, Thompson, Weedon, Williams—24.

An engrossed bill entitled an act for the relief of John McShan of Jefferson county---was read a third time and passed.

Ordered, That the words "A bill to be entitled" be stricken out. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of schools within each township in this State, for a seminary of learning, and for other purposes, passed on the 20th December, 1820---was read a third time.

And the question being put, shall this bill pass? It was decided in the negative---Yeas 23---Nays 28.

The Yeas and Nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Armstrong, Ayers, Bagby, Craig, Duckworth, Edmondson, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Holderness, Jones, King, Montgomery, Murrell, Masterson, Morton, Philpott, Parham, Skinner, Thompson.

Those who voted in the negative are,

Mr. Speaker, Allen, Barclay, Beene, Carr, Crenshaw, Dahney, Davis, Evans, Greening, Hopkins, Kennedy, Leake, Magoffin, Miller, Moore, Martin, McHenry, Norwood, Pickett, Powell, Perry, Smith, Tagert, Vining, Weedon, Williams, Williamson.

Ordered, That the committee of the whole House be discharged from the further consideration of the bill to be entitled an act to apportion the representatives among the several counties of this State, and to divide the State into senatorial districts, according to the late census. *Ordered*, That said bill be recommitted to the select committee.

Mr. Bagby obtained leave to introduce a bill to be entitled an act to authorize the executor of Joseph Philips, deceased, to sell and transfer certain certificates therein named---which was read a first time, and *Ordered* for a second reading to-morrow.

Mr. Moore obtained leave to introduce a bill to be entitled an act supplementary to an act for the collection of monies due the State, and for other purposes, passed December 16, 1820---which was read a first time, and *Ordered* to be read a second time to-morrow.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled an act permanently to fix the seat of justice for the county of Tuscaloosa and Perry.

Ordered, That the House adjourn till to-morrow morning 10 o'clock.

Tuesday, November 27

The House met pursuant to adjournment.

Mr. Speaker laid before the House, the annual report of the adjutant general. *Ordered*, That said report be referred to the military committee.

Mr. Perry from the committee on enrolled bills, Reported, That the committee had examined bills of the following titles, to wit:

An act to establish a road therein named.

An act to authorize John Rose to cut out and open a road, from the town of Cahawba to Pine Barren creek, and receive toll for keeping the same in repair.

An act to incorporate the Mobile Steam Boat Company.

An act permanently to fix the seat of justice for the county of Tuscaloosa.

And find the same correctly enrolled.

Mr. Fleming from the committee on roads, bridges and ferries, to whom was referred an act supplementary to the several acts in relation to highways, bridges and ferries, Reported, That the committee had had the same under consideration, and report it without amendment; in which the House concurred.

Mr. Hardwicke from the select committee to whom was referred so much of His Excellency's message as relates to a certain resolution passed by the legislature of Georgia, representing that the Creek and Cherokee nations of Indians are desirous of making certain cessions of their territory, Reported thereon, with the following resolutions:

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That His Excellency the Governor be, and he is hereby authorized and required to correspond with the President of the United States upon the several subjects embraced in said resolutions; and to adopt such other measures as may, in his discretion, be deemed best calculated to facilitate and effect those important objects.

And be it further resolved, That a copy of the foregoing report, together with these resolutions be transmitted by His Excellency the Governor, to each of our Senators and Representative in Congress, with instructions to co-operate with the Representatives in Congress from the States of Georgia and Tennessee, in procuring an appropriation to be made for holding treaties with the Creek and Cherokee nations of Indians, as soon as practicable--which resolutions

were read a first time, and *Ordered* to be read a second time to-morrow. *Ordered*, That the House concur in said report.

Mr. Fitzpatrick from the committee of propositions and grievances, to whom was referred the bill to be entitled an act for the relief of Eugenio Campbell, tax collector of Lawrence county, Reported the bill as amended. *Ordered*, That the House concur in said report.

Ordered, That the said bill be read a second time to-morrow.

Message from the Senate by Mr. Lyon their secretary, informing this House, that they had concurred in the amendments made by this House to the bill to be entitled an act for the relief of purchasers at the first sales of lots in the town of Cahawba; that they had also read a third time and passed a joint resolution proposing amendments to the constitution of this State. In which they request the concurrence of this House.

And also, that they had read a third time and passed, a bill to be entitled "an act to provide for digesting the laws of the State of Alabama"---which originated in this House.

Mr. Williamson from the select committee to whom was referred a bill to be entitled an act supplementary to an act to suppress duelling, passed 17th December, 1819, Reported the same with amendments, which were concurred in. *Ordered* That said bill be engrossed for its third reading to-morrow.

Mr. Craig from the committee on schools and colleges and school and college lands, to whom was referred the petition of sundry inhabitants of Shelby, Reported unfavourably to the petition. *Ordered*, That the House concur in said report.

Mr. Vining from the select committee to whom was referred a bill to be entitled, an act to define the duties of sheriffs, constables and justices of the peace in this state and to regulate the fees of certain officers therein named, Reported a new bill, which was read a second time; and, *Ordered*, to be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Morton obtained leave to introduce a bill to be entitled, an act to deduct from the salary of the several circuit court judges of this state, and of the attorney general for the year 1822; which was read a first time; and, *Ordered* for a second reading to-morrow.

Mr. Greening offered the following resolution:

Resolved, That a committee be appointed to inform the Senate, that this House will be ready at the hour of twelve o'clock to morrow, to go into the election of a suitable person to digest the laws of this state; which was adopted; whereupon, Messrs. Greening and Martin were appointed said committee.

On motion of Mr. Vining, *Resolved*, that the judiciary committee be instructed to inquire into the necessity, and if any, in what manner constables shall compel persons to aid them in the execution of their offices, in state cases.

Mr. Perry obtained leave to introduce a bill to be entitled, an act concerning jurors, and for other purposes; which was read a first time; and, *Ordered* to be read a second time to morrow.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled, an act authorizing a lottery for the making of a turnpike road leading from the city of Mobile to Chickasawbogue creek in the county of Mobile, and for other purposes.

The joint resolutions from the Senate proposing amendments to the constitution, were read a first time; and on the question being put, shall these resolutions be read a second time to morrow? It was decided in the negative.

A bill from the Senate to be entitled, an act supplementary to the several acts in relation to highways, bridges and ferries; was read a third time; and *Ordered* to lie on the table.

On the motion of Mr. Pickett, the House resolved itself into a committee of the whole, on the bill to be entitled, an act to authorize the sale of the public lands adjoining the town of Cahawba, Mr. Perry in the chair; and sometime passed therein, the committee rose and obtained leave to sit again.

An engrossed bill to be entitled, an act to incorporate the town of Sparta, & for other purposes, was read a third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to authorize John Dixon to emancipate a certain slave there named, was read a second time; and, *Ordered* to be engrossed for a third reading to morrow.

A bill to be entitled, an act to authorize Elisha Thomas,

Davis Gurley and their associates, to turnpike a certain road therein named; was read a second time; and *Ordered*, to be committed to a committee of the whole House and made the order of the day for to morrow.

A bill to be entitled, An act to alter and amend the militia laws of this state, was read a second time.

Mr. Parham offered the following amendment:

Sec. 3. *And be it further enacted*, That the northern regiment of Franklin shall be known and numbered as the thirty seventh regiment of the militia of the state of Alabama, and the line between the fifth and sixth townships, shall be the dividing line, between the northern and southern regiments in said county; which was adopted; *Ordered* to be engrossed for a third reading to morrow.

A bill from the Senate to be entitled, an act to authorize administrators to sell real estate, was read a third time; and, on the question being put, shall this bill pass? It was decided in the negative.

A message from His Excellency by Mr. Pleasants, informing this House, that he did on the 19th instant approve and sign, an act to authorize Maria Evans and Lewis Tilman to emancipate certain slaves therein named; an act to authorize the administrator of David Dalton, deceased, to sell certain lots therein named: and on the 24th instant, an act confirming a decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced in September term, 1820, divorcing Harriet Dillard from her husband Nicholas Dillard.

The following communication was also received from His Excellency:

Gentlemen of the Senate,

and of the House of Representatives:

I have just received a letter from the president of the Planters and Merchants Bank of Huntsville, which as it relates to a subject now before the legislature, is proper to be laid before you.

It is the wish of the board of directors of that institution, that provision should be made, during the present session for paying the loan of \$10,000 due from the state. The object expressed is "to enable the bank to resume specie payments at no very distant day." To accomplish which desirable purpose, the directors are compelled to call in a considerable portion of their debts.

In the accomplishment of the laudable purpose of re-

storing our medium of circulation to full credit, the Legislature will feel the deepest interest. And while we have complained, so justly, of the public evil resulting from the suspension of payments by that Bank; I trust, that the government of the State will not stand in the way of its early removal.

This profession on the part of the Bank deserves a favourable notice by the legislative body; and may be a reason for deferring to a reasonable day the operation of any definitive proceedings against that Institution.

The period for the succeeding six months will be peculiarly favourable for affording facilities to the Bank for resuming specie payments. The sale of the crops on hand for a specie paying paper will furnish the Bank, through the medium of its debtors, with solid means for redeeming its debts.

In any event, the policy of excluding from the treasury the paper of all Banks that do not pay specie, will not be the less obvious.

ISRAEL PICKENS.

Executive Department, Nov. 27, 1821.

Ordered, That said communication, with the accompanying documents, be referred to the committee of ways and means.

A bill to be entitled an act to raise a revenue for the support of government for the year 1822, was read a second time, and *Ordered* to be committed to a committee of the whole House and made the order of the day for Thursday next.

The House again resolved itself into a committee of the whole, on the bill to be entitled an act to authorize the sale of the public lands adjoining the town of Cahawba; and after sometime spent therein, the committee rose, and the report was ordered to lie on the table.

A message from the Senate by Mr. Lyon their secretary, informing this House, that they have read a third time, and passed "an act to establish additional election precincts in certain counties therein named, and for other purposes; and have made sundry amendments thereto, in which they desire the concurrence of this House.

Also, that they have read a third time and passed a bill entitled an act for the relief of William Walton, which originated in this House.

And also, that they had read a third time and passed a bill entitled an act declaring the Mulberry fork of Tuskalooza river navigable from its junction with the Sipsee fork

to Baltimore, in which the Senate desire the concurrence of this House.

A bill from the Senate to be entitled an act to amend and repeal a part of the second section of an act to authorize the governor to dispose of the public arms of this State, passed on the 7th day of December, 1820---was read a third time and passed.

Ordered, That this House adjourn till to morrow morning 9 o'clock.

Wednesday, November 28.

The House met pursuant to adjournment.

Mr. Morton moved to reconsider the vote on the second reading of the resolutions from the Senate, proposing amendments to the constitution--which was carried. *Ordered*, That said resolutions lie on the table.

Mr. Perry from the committee on enrolled bills, Reported, That the committee had examined bills of the following titles, to wit:

An act authorizing the administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein named.

An act to provide for digesting the laws of the State of Alabama; and,

An act for the relief of William Walton. And find the same truly enrolled.

Mr. Fleming from the committee on roads, bridges and ferries, to whom was referred the petition of sundry inhabitants of Butler county, reported a bill to be entitled an act to establish a public road therein named---which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Leake from the committee to whom was referred the petition of some of the inhabitants of Montgomery county, Reported, That said committee had the same under consideration, and report the petition unreasonable, and ought to be rejected. *Ordered*, That the House concur in said report.

Mr. Williams from the select committee to whom was referred that part of His Excellency's message, relating to the condition of the executive records, reported thereon.

Ordered, That said report lie on the table.

A bill to be entitled an act concerning appeals taken from Justices of the Peace, was read a second time, and *Ordered* to be referred to the committee of the whole House, and made the order of the day for to-morrow.

Mr. Murrell obtained leave to introduce a bill to be entitled an act to provide for the payment of fine and costs in criminal prosecutions--which was read a first time, and *Ordered* to be read a second time to-morrow.

On motion of Mr. Moore, *Resolved*, That the Governor be requested to communicate to this House, all the information which may be in his possession, relative to the situation and interest which this State may have in relation to certain slaves in the District Court of the United States, for the district of Alabama, for an alleged violation of the laws of the United States to prohibit the importation of slaves. On motion of Mr. Moore, *Resolved*, That a committee be appointed by this House to convey the said resolution to His Excellency the Governor.

Whereupon, Messrs. Moore and Greening, were appointed said committee.

Mr. Norwood obtained leave to introduce a bill to be entitled an act for the relief of securities--which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Armstrong obtained leave to introduce a bill to be entitled an act authorizing a public road therein named--which was read a first time, and, *Ordered* to be read a second time to-morrow.

On motion of Mr. Weedon, the House took up the report of the committee of the whole House, on the bill to be entitled an act to authorize the sale of the public lands adjoining the town of Cahawba; and after sundry amendments made therein, the House concurred in the same.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled an act to establish additional election precincts in certain counties therein named, and for other purposes.

A bill to be entitled an act supplementary to an act entitled an act for the relief securities--was read a second time, and *Ordered* to be referred to the Judiciary committee.

A message from the Governor by Mr. Pleasants, informing this House, that he did on the 27th inst. approve and sign the following acts, to wit:

An act for the relief of Josiah D. Lister, sheriff of Washington county.

An act to fix the temporary seat of justice in the county of Bibb.

An act to authorize Richard Rapier, administrator of

Claiborne Mays, deceased, to sell a certain lot of land therein mentioned.

An act to authorize the administrators of the late Benjamin C. Benham deceased, of Limestone county, to sell a certain tract of land therein designated, & for other purposes.

An act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements and their associates to erect a toll bridge across the Black-warrior river, at the Falls of town of Tuskaloosa.

An act to alter and extend the boundaries of Limestone county.

An act authorizing the Intendant and council of the lower part of Tuskaloosa to erect a toll bridge across the Black-warrior river.

An act to incorporate Tuskaloosa Chapter and Alabama Chapter of Royal Arch Masons.

An act to amend an act giving jurisdiction to certain counties therein named, over that part of the Cherokee lands lying within the limits of the State of Alabama.

An act to repeal part of an act therein named.

An act to authorize the administrator and administratrix of Thomas Talbert to sell and convey certain real estate.

An act to establish a road therein named.

An act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-barren creek, and receive toll for keeping it in repair.

An act permanently to fix the seat of Justice for the counties of Tuskaloosa and Perry. And on this day,

An act to provide for digesting the laws of the state of Alabama; all of which originated in this House.

Mr. Bagby obtained leave to introduce a bill to be entitled an act to repeal in part, and amend an act therein named; which was read a first time, and, *Ordered* to be read a second time to morrow.

A bill to be entitled, an act supplementary to an act to establish a state University; was read a second time, and *Ordered*, to be committed to a committee of the whole House and made the order of the day for to morrow.

An engrossed bill entitled, an act to emancipate a certain slave therein named, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

A bill to be entitled, an act supplementary to an act entitled, an act for the collection of monies due the state, and for other purposes, passed December 16, 1820, was read

second time; and, *Ordered* to be engrossed for a third reading to morrow.

The resolutions from the Senate to instruct our Senators in Congress and our Representative to use their exertions, to procure the appropriation of the two per cent. fund for the purpose of making roads to this state in conformity with the act of admission, were read a second time; *Ordered*, that said resolutions lie on the table.

A bill to be entitled, an act to define the power of the judges of the circuit courts in this state, to fine and imprison on state prosecutions, was read a third time; and on the question being put, shall this bill pass? It was decided in the negative---ayes 24, nays 26. The yeas and nays being called for, thereon, those who voted in the affirmative, are

Messrs. Anderson, Barclay, Beene, Clay, Dabney, Edmondson, Elmore, Fitzpatrick, Fleming, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Murrell, Masterson, Miller, Martin, Powell, Perry, Thompson, Weedon, Williams---24.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Brown, Carr, Crenshaw, Craig, Dale, Davis, Duckworth, Evans, Greening, Graham, Holderness, Leake, Moore, Morton, McHenry, Norwood, Philpott, Smith, Tagert, Vining, Williamson---26.

A bill from the Senate to be entitled, an act declaring the Mulberry-Fork of Tuskaloosa river navigable from its junction with the Sipsie-Fork to Baltimore, was read a first time, and, *Ordered* to be read a second time to morrow.

A bill to be entitled, an act to allow compensation to William Dunn for examining the Blackwarrior river above the town of Tuskaloosa, was read a second time, and *Ordered* to be engrossed for a third reading to morrow.

A bill to be entitled, an act declaring Murder creek in the county of Conecuh, a navigable stream, and for other purposes, was read a third time.

Mr. Greening moved to strike out the title of the said bill for the purpose of inserting the following: A bill to be entitled, an act to incorporate the Murder creek navigation company; which was carried. The blanks being filled the bill was passed. *Ordered*, that the title be as aforesaid; *Ordered*, to be sent to the Senate for their concurrence.

A bill to be entitled, an act supplementary to an act entitled, an act to suppress duelling, passed 17th December, 1819.

Mr. Armstrong moved to amend said bill so as to include counsellors and attorneys at law in its provisions, which was carried. The bill was then passed:---*Ordered*, that its title

be as aforesaid---*Ordered* to be sent to the Senate for their concurrence.

Ordered, that the Senate be informed, that this House is now ready to receive them to go into the election of a suitable person to digest the laws of this state.

A bill to be entitled, an act to alter and amend the militia laws of this state---was read a third time and passed---*Ordered*, that the title be as aforesaid---*Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to deduct the salary of the several circuit court judges of this state, and of the attorney general for the year, 1822---was read a second time.

Mr. Weedon moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative---yeas 31, nays 23. The yeas and nays being called for thereon, those who voted in affirmative, are

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Clay, Crenshaw, Craig, Dabney, Dale, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Holderness, Kennedy, Leake, Montgomery, Magoffin, Moore, Martin, Norwood, Pickett, Parham, Smith, Tagert, Thompson, Weedon, Williamson---31.

Those who voted in the negative, are

Messrs. Allen, Ayers, Beene, Brown, Carr, Davis, Duckworth, Edmondson, Hardwicke, Hopkins, Jones, King, Murrell, Masterson, Miller, Morton, Henry, Powell, Philpott, Perry, Skinner, Vining, Williams---23.

A bill to be entitled an act permitting merchants, shopkeepers, tradesmen, physicians and apothecaries to prove their books of accounts---was read a second time, and *Ordered* to be committed to a committee of the whole House, and made the order of the day for Friday next.

A bill to be entitled an act to authorize the executor of Joseph Philips deceased, to sell and transfer certain certificates therein named---was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

A bill from the Senate to be entitled an act to authorize the Governor, to borrow a certain sum of money therein mentioned, and to settle the debt due to the Huntsville Bank---was read a third time and passed. *Ordered*, that the same be sent to the Senate.

A bill to be entitled an act for the relief of Eugenio Campbell, tax collector of Lawrence county, for the year 1820---was read a second time.

Mr. Anderson offered the following amendment:

And be it further enacted, That the said Eugenio Campbell shall be allowed nine months from the passage of this, for the purpose of completing his collection of taxes for

the year 1820, if there should remain any yet due and uncollected---which was adopted. *Ordered*, that said bill be engrossed for a third reading to-morrow.

A message from the Senate by Mr. Lyon, their secretary, informing this House, that the Senate had concurred in the *Resolution* of this House, proposing to go into the election of a digester of the laws of this State, this day at the hour of twelve o'clock.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of a suitable person to digest the laws of this State--- Harry Toulmin, John P. Crowell, and John J. Inge, Esqrs. being in nomination, the votes stood thus: Those who voted for Mr. Toulmin are,

Mr. President, Chambers, Elliott, Gause, Lanier, May, M'Vay, Rose, Trotter, Wingate, (of the Senate.) Mr. Speaker, Anderson, Armstrong, Bagby, Beene, Carr, Crenshaw, Dale, Evans, Elmore, Greening, Graham, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Miller, Norwood, Pickett, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon,—38.

Those who voted for Mr. Crowell are,

Messrs. Casey, Conner, Davis, Deveraux, Dennis, Lucas, Ware, (of the Senate) Ayers, Barclay, Brown, Clay, Dabney, Davis, Duckworth, Fitzpatrick, Flemming, Hardwick, Hopkins, Jones, Moore, Morton, M'Henry, Williamson—23.

Those who voted for Mr. Inge are,

Messrs. Garth, Hanby, Hogg, (of the Senate.) Allen, Craig, Edmondson, Holderness, Masterson, Martin, Powell, Philpott, Perry, Williams—13.

Mr. Toulmin having a majority of both Houses, the Speaker declared him duly elected. The Senate then returned to their chamber.

Ordered, that the House adjourn till three o'clock this evening.

Evening Session.

The House met pursuant to adjournment.

On motion of Mr. Weedon, the House resolved itself into a committee of the whole House, Mr. Craig in the Chair, on the bill to be entitled an act to provide a speedy remedy against Banks failing to pay specie, and for other purposes; and after sometime spent therein, the committee rose, and Mr. Craig obtained leave to report on to-morrow.

A communication was received from His Excellency the Governor, by Mr. Pleasants, the Secretary of State, as follows:

Executive Department, Cahawba, Nov. 28.

Gentlemen of the Senate, and of the House of Representatives,

I herewith return a bill originating in the House of Representatives, entitled "An act divorcing certain persons therein named." The objection which has withheld my approbation to this bill is, that it does not appear by the Journal of the House of Representatives, that it was sanctioned by a majority of two thirds of that body, as is required by the Constitution in cases of divorce.

Where the constitution has so cautiously guarded a legislative act as to require an extraordinary majority to pass it, it is most safe in precedent, that such majority should appear, and most conformable to congressional usage in such cases.

ISRAEL PICKENS.

Ordered, that the House adjourn till to morrow morning ten o'clock.

Thursday November 29, 1821.

The House met pursuant to adjournment.

Mr. Evans presented the petition of Robert H. Gregg, tax collector for Wilcox county, in the year 1820, praying to be reimbursed certain money therein named, which was received and referred to the committee on propositions and grievances.

Mr. Moore from the select committee to whom was referred the bill to be entitled an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State, Reported a new bill---which was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

The bill to be entitled "an act divorcing certain persons therein named," returned yesterday by His Excellency, with his reasons for not approving and signing it, was again put on its passage, and was decided in the affirmative---Ayes 45---Nays 4. Those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Holderness, Hopkins, Jones, King, Leake, Montgomery, Magoffin, Master-son, Miller, Moore, Martin, Powell, Philpott, Perry, Parham, Skinner, Smith, Thompson, Vining, Weedon, Williams, Williamson,

Those who voted in the negative are,

Messrs. Murrell, McHenry, Norwood, Pickett.

Mr. Anderson obtained leave to introduce a bill to be entitled an act for the punishment of certain offences therein named---which was read a first time, and *Ordered* to be read a second time to-morrow.

On motion of Mr. Elmore the House took up the bill to be entitled an act to establish a public road from the Uchee bridge, in the Creek nation to the United States boundary line on Line creek---was read a third time.

And the question being put, shall this bill pass? It was decided in the negative---Yeas 22---Nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Ayars, Beene, Carr, Crenshaw, Craig, Dabney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Jones, King, Leake, Magoffin, Pickett, Skinner, Vining, Weedon, Williamson.

Those who voted in the negative are,

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Brown, Clay, Davis, Edmondson, Fleming, Holderness, Hopkins, Montgomery, Murrell, Masterson, Miller, Moore, Martin, McHenry, Norwood, Powell, Philpott, Perry, Parham, Smith, Tagert, Thompson, Williams.

On motion of Mr. Armstrong, *Resolved*, That a message be sent to the Senate informing that body, that at the hour of twelve o'clock this day, they will be ready to go into the election for the judges of the County Courts to fill such vacancies as now exist.

Whereupon Messrs. Armstrong and Clay were appointed to carry said message to the Senate.

Mr. Moore obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to incorporate the Indian Creek Navigation Company---which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Miller obtained leave to introduce a bill to be entitled an act to restrain the issuing of small notes, commonly called change bills---which was read a first time; and

Ordered, to be read a second time to-morrow.

Mr. Craig from the committee of the whole House to whom was referred a bill to be entitled "An act to provide a speedy remedy against banks failing to pay specie, and for other purposes," *Reported* the said bill as amended.

The House concurred in said amendments.

The Yeas and Nays being called for on agreeing to the amendment made by the committee in striking out the last section of said bill, which is in these words:

And be it further enacted, That from and after the day of next, if any bank in this State, shall fail or refuse to make payment on demand, of any of its notes, in gold or silver, the charter of said bank shall be, and the same is hereby, declared to be forfeited.

Those who voted in the affirmative, are

Mr. Speaker, Armstrong, Ayers, Barclay, Beene, Carr, Clay, Crenshaw, Craig, Dabney Dale, Duckworth, Edmondson, Evans, Fitzpatrick, Greening, Graham, Holderness, Jones, Leake, Montgomery, Martin, Norwood, Pickett, Powell, Philpott, Skinner, Thompson, Williams, Williamson—30.

Those who voted in the negative, are

Messrs. Allen, Anderson, Bagby, Brown, Davis, Elmore, Fleming, Hopkins, King, Magoffin, Murrell, Masterson, Miller, Moore, M'Henry, Perry, Vining, Weedon—18.

Mr. Greening offered the following amendment:

And be it further enacted, That this act shall not take effect until the day of next; Provided however, That in case such bank refusing to pay specie as aforesaid shall subscribe its capital stock, and become a branch of the the state bank; Provided, such bank should be established; then and in that case this act is declared to be null and void. Ordered, that said bill and amendment lie on the table.

Mr. Perry obtained leave to introduce a bill to be entitled an act to repeal an act passed at Huntsville, on the 20th December, 1820, incorporating the lower part of Tuskaloo-sa; which was read a first time; and on the question being put, shall this bill be read a second time to morrow? It was decided in the negative.

Mr. Morton obtained leave to introduce a bill to be entitled, an act to apportion the representatives among the several counties of this state, and to divide the same into senatorial districts according to the late census; which was read a first and second time, and ordered to be committed to a committee of the whole House and be made the order of the day for Monday next.

Ordered, that fifty four copies be printed.

Ordered, that seventy five copies of the census be printed for the use of this House.

A bill to be entitled, an act to provide for assessing and collecting the revenue of this state, was read a second time: Mr. Thompson offered two additional sections by way of amendment; which were adopted: *Ordered, that said bill be committed to a committee of the whole House, & be made the order of the day for to morrow.*

A bill to be entitled, an act concerning jurors and for other purposes, was read a second time; and, referred to the judiciary committee.

On motion of Mr. Graham, the House resolved itself into a committee of the whole House, Mr. Williams in the chair, on the bill to be entitled, an act to establish certain coun-

ties therein named, and for other purposes; and after some time spent therein, the committee rose, and Mr. Williams reported the said bill as amended; in which the House concurred. *Ordered*, that the said bill be engrossed for a third reading to morrow,

A message was received from the Senate by Mr. Lyon their secretary, informing this House that they had amended the resolution of this House proposing to go into the election of judges of the county court to fill such vacancies as now exist; in which they desire the concurrence of this House. *Ordered*, that the House concur in said amendment. *And also*, informing this House, that they had read a third time and passed the following bills, originating in this House, to wit:

An act to establish the seat of justice in the county of Shelby; and,

An act for the relief of John M'Shan of Jefferson county; which last bill they have amended, and in which they desire the concurrence of this House.

Ordered, that the House concur in said amendments.

And also, that they had read a third time and passed the following bills and resolutions, to wit:

An act authorizing Leonard Abercrombie to emancipate certain slaves therein named.

An act relating to justices of the peace.

Resolutions to request our Senators and Representative in Congress to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians relative to the cession of certain parts of their territory.

A message was received from His Excellency by M. Pleasants, secretary of state, informing this House that he did on the 28th instant approve and sign

An act for the relief of William Walton.

An act authorizing the administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein mentioned:-- And on this day,

An act divorcing certain persons therein named.

The following communication was also received from His Excellency:

Executive Department, Nov. 29, 1821.

Gentlemen of the Senate,

and of the House of Representatives:

The resignation of Samuel Chapman, Esq. judge of the county court of Madison county, has been this day received.

Also, I have received the resignation of John S. Fulton, Esq
judge of the county court of Franklin county.

ISRAEL PICKENS.

Ordered, that the House adjourn till 3 o'clock.

Evening Session.

The House met pursuant to adjournment.

Mr. Graham obtained leave to introduce a bill to be entitled an act to establish an additional election precinct therein named---which was read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Beene obtained leave to introduce a bill to be entitled an act preventing the removal of distempered cattle---which was read a first time, and *Ordered* to be read a second time to-morrow.

The *Resolutions* from the Senate to request our Senators and Representative in Congress, to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cession of certain parts of their territory---were read a first time, and *Ordered* to be read a second time to-morrow.

Bills from the Senate of the following titles, to wit:

An act relating to Justices of the Peace.

An act to authorize Leonard Abercrombie to emancipate certain slaves therein named---were severally read a first time, and *Ordered* to be read a second time to-morrow.

A bill from the Senate to be entitled an act declaring the Mulberry fork of Tuskaloosa river navigable from its junction with the Sipsie fork to Baltimore---was read a second time, and *Ordered* to be read a third time to-morrow.

Engrossed bills of the following titles, to wit:

An act supplementary to an act entitled an act for the collection of monies due the State, and for other purposes, passed Dec. 16th, 1820.

An act to allow compensation to William Dunn for examining the Black-warrior river, above the town of Tuskaloosa. and,

An act to authorize the executor of Joseph Philips deceased to sell and transfer certain certificates of land therein named---were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the said bills be sent to the Senate.

On motion of Mr. Morton, the House took into consideration the *Resolutions* from the Senate proposing amendments to the Constitution---which were read a second time.

On motion of Mr. Hardwicke, *Ordered*, that the further consideration of said resolutions be indefinitely postponed.

An engrossed bill to be entitled "An act for the relief of Eugenio Campbell, tax collector of Lawrence county, for the year 1820." and,

An engrossed bill to be entitled an act to authorize the sale of the public lands adjoining the town of Cahawba--- were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that said bills be sent to the Senate.

Mr. Graham obtained leave to introduce a bill to be entitled an act to establish an academy at Sparta, and for other purposes---which was read a first time, and *Ordered* that the same be read a second time to-morrow.

Bills of the following titles, to wit:

An act to repeal in part and amend an act therein named.

And an act to establish a public road therein named--- were severally read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

A bill to be entitled an act to provide for the payment of fines and costs in criminal prosecutions, was taken up. Mr. Williamson moved, that the further consideration of said bill be indefinitely postponed---which was decided in the affirmative. Yeas 42, nays 8. Those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Armstrong, Bagby, Barclay, Beene, Brown, Clay, Craig, Dabney, Dale, Davis, Duckworth, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, Leake, Montgomery, Magoffin, Masterson, Moore, Martin, McHenry, Pickett, Powell, Philpott, Perry, Parham, Skinner, Tagert, Thompson, Vining, Weedon, Williams, Williamson—42.

Those who voted in the negative, are

Messrs. Ayers, Edmondson, King, Murrell, Miller, Morton, Norwood, Smith—8.

Ordered, That the House adjourn till to-morrow morning 10 o'clock.

Friday, November 30.

The House met pursuant to adjournment.

Mr. Crenshaw presented the petition of a number of the inhabitants of Dallas county, praying an alteration in the road laws---which was received and referred to the committee on roads, bridges, ferries, &c.

Mr. Crenshaw presented the petition of Matthew D. Thomason praying to be released from the payment of rent for public lands therein named; which was received and referred to the committee of propositions and grievances.

Mr. Crenshaw also presented the petition of Jonas Brown praying to be compensated for removing graves from a lot therein named; which was received and referred to the same committee.

Mr. Pickett presented the memorial of several inhabitants of West Florida, praying of this legislature to memorialize Congress on the subject of annexing that territory to this state; which was read and withdrawn.

Mr. Perry from the committee on enrolled bills reported that said committee had examined bills of the following titles, to wit:

An act to establish the permanent seat of justice in the county of Shelby.

An act for the relief of John M'Shan and William M'Shan of Jefferson county.

An act authorizing a lottery for the making of a Turnpike road leading from the city of Mobile, to Chickasaw bogue creek in the county of Mobile, and for other purposes; and find the same truly enrolled.

Mr. Fleming from the committee on roads, bridges and ferries, to whom were referred sundry resolutions of this House relative to the establishment of certain great roads; *Reported* a bill to be entitled, an act appointing commissioners to lay out certain roads therein specified, and for other purposes; which was read a first time; and, *Ordered* to be read a second time to morrow.

Mr. Magoffin from the select committee to whom was referred so much of the governor's communication as relates to the establishment of a board of improvement; *Reported* a bill to be entitled, an act to establish a board of improvement; which was read a first time; and, *Ordered* to be read a second time to morrow.

Mr. Clay obtained leave to introduce a bill to be entitled, an act legalizing the sales of certain lands and lots therein named; which was read a first time; and *Ordered* to be read a second time to morrow.

Mr. Crenshaw obtained leave to introduce a bill to be entitled, an act to regulate the mode of issuing grants and patents in this state; which was read a first time; and *Ordered* to be read a second time to morrow.

On motion of Mr. Moore, *Resolved*, that this House will receive no new business into this House after Monday next.

Mr. Moore offered the following resolution:
Resolved, by the Senate and House of Representatives of

the state of Alabama in General Assembly convened, that this General Assembly will adjourn *sine die* on Saturday, the 8th day of December next.

Mr. Williams moved to lay said resolution on the table; which was lost.

The resolution was then adopted and read a first time; and on the question being put, shall this resolution be read a second time? It was decided in the negative---ayes 21, nays 27. The yeas and nays thereon being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Bagby, Clay, Evans, Fitzpatrick, Fleming, Holderness, Jones, Leake, Masterson, Moore, Martin, Pickett, Powell, Philpott, Skinner, Tagert, Thompson, Williamson—21.

Those who voted in the negative, are

Messrs. Armstrong, Ayers, Barclay, Crenshaw, Craig, Dabney, Dale, Davis, Edmondson, Greening, Graham, Hardwicke, Hopkins, King, Montgomery, Magoffin, Murrell, Miller, Morton, McHenry, Norwood, Perry, Parham, Smith, Vining, Weedon, Williams—27.

Mr. Craig from the select committee to whom was referred a bill to be entitled, an act respecting rents; Reported said bill as amended; in which the House concurred:---The bill was then read a second time, and ordered to be engrossed for a third reading to morrow.

On motion of Mr. Williams, the House resolved itself into a committee of the whole House on the bill to be entitled, an act authorizing the issuing of Treasury notes, Mr. Vining in the chair; and after sometime spent therein, the committee rose, and Mr. Vining reported the bill as amended. The question being put, shall this House agree to the amendment of the committee in striking out the first section of said bill? It was decided in the affirmative---yeas 28, nays 21. The yeas and nays thereon being required, those who voted in the affirmative, are

Mr. Speaker; Anderson, Armstrong, Ayers, Bagby, Beene, Brown, Carr, Clay, Crenshaw, Dale, Edmondson, Elmore, Fitzpatrick, Fleming, Greening, Graham, Jones, Montgomery, Moore, Martin, Norwood, Pickett, Parham, Skinner, Tagert, Thompson, Williamson.

Those who voted in the negative, are

Messrs. Allen, Barclay, Craig, Dabney, Davis, Hardwicke, Hopkins, Kennedy, King, Leake, Magoffin, Masterson, Miller, Morton, McHenry, Powell, Perry, Smith, Vining, Weedon, Williams.

Ordered, That the House concur in the rest of the amendments.

A message was received from the Senate by Mr. Lyon their secretary, informing this House, that that body had read a third time and passed, bills of the following titles, to

An act to authorize William Crawford and company of Franklin county, to build a mill and other water works on the Tennessee river, and for other purposes.

An act to incorporate the town of Sparta, and for other purposes; and

An act for the relief of John Bishop---all of which originated in this House.

Also, that they had read a third time and passed An act to establish the seat of justice in Blount county.

An act in relation to banking institutions in this State---In which they desire the concurrence of this House.

A message was received from His Excellency the Governor by Mr. Pleasants, Secretary of State, in the following words

Executive Department, Cahawba, Nov. 30, 1821.

Gentlemen of the Senate, and of the House of Representatives.

I have the honour to inform you of the resignation of William Metcalf, Esq. Judge of the County Court of Marion county.

ISRAEL PICKENS.

Ordered, That the House adjourn till 3 o'clock.

Evening Session.

The House met pursuant to adjournment.

Bills from the Senate of the following titles, to wit:

An act to establish the seat of justice in Blount county;

An act in relation to the banking institutions in this State;

were severally read a first time, and *Ordered* to be read a second time to-morrow.

On motion of Mr. Bagby, the House resolved itself into a committee of the whole House, on the bill to be entitled an act permitting merchants, shopkeepers, tradesmen, physicians and apothecaries, to prove their books of accounts; and after sometime spent therein the committee rose, and Mr. Clay reported the bill without amendment.

Ordered, That the committee of the whole be discharged therefrom, and that the same be referred to a select committee.

Whereupon, Messrs. Bagby, Crenshaw, Williams and Williamson, were appointed said committee.

A message from His Excellency was received by Mr. Pleasants, Secretary of State, in the following words:

Executive Department, Cahawba, Nov. 30, 1821.

Gentlemen of the Senate and of the House of Representatives.

I have the honour to inform you of the resignation of Francis Flournoy, Esq. Judge of the County Court of Pickens county.

ISRAEL PICKENS.

An engrossed bill to be entitled an act to establish certain counties therein named---was read a third time, and the blanks being filled, the question was put, shall this pass? and decided in the affirmative---Yeas 32---Nays 20.

The Yeas and Nays being required, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Ayers, Barclay, Beene, Carr, Crenshaw, Dale, Davis, Duckworth, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, King, Montgomery, Magoffin, Miller, Morton, McHenry, Norwood, Pickett, Skinner, Smith, Tagert, Thompson, Vining, Williamson.

Those who voted in the negative, are

Messrs. Anderson, Bagby, Brown, Clay, Craig, Dabney, Edmondson, Fleming, Holderness, Leake, Murrell, Masterson, Moore, Martin, Powell, Philpott, Perry, Parham, Weedon, Williams.

A bill to be entitled an act to establish a public road therein named, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate.

An engrossed bill to be entitled an act to repeal in part and amend an act therein named---was read a third time; and on the question being put, shall this bill pass? it was decided in the negative.

A bill to be entitled an act to amend an act to incorporate the Indian Creek Navigation Company---was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

A bill to be entitled an act preventing the removal of dis-tempered cattle---was read a second time, and *Ordered* to lie on the table till the 1st of January next.

An engrossed bill to be entitled an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State---was read a third time. And on the question being put, shall this bill pass? it was decided in the negative.

A bill to be entitled an act to restrain the issuing of small notes, commonly called change bills---was read a second time, and *Ordered* to be committed to a committee of the whole House, and made the order of the day for to-morrow.

A bill from the Senate entitled an act declaring the Mulberry fork of Tuscaloosa river navigable from its junction with the Sipsey fork to Baltimore---was read a third time and passed. *Ordered*, That the same be sent to the Senate.

Ordered, That the House adjourn till seven o'clock this evening.

The House met pursuant to adjournment.

On motion of Mr. Greening, *Resolved*, That a committee be appointed to inform the Senate, that this House is ready to receive them in the hall of the House of Representatives, to go into the election to fill such vacancies as may exist in the different counties, in the office of County Court Judge.

Whereupon, Messrs. Greening and Parham were appointed said committee.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of a Judge of the County Court of Mobile county, to fill the vacancy occasioned by the resignation of H. H. Rolston.

Thomas Murray and Henry V. Chamberlain being in nomination, the votes stood thus: For Mr. Murray 41--For Mr. Chamberlain 24.

Those who voted for Mr. Murray are,

Messrs. Casey, Davis, Gause, [of the Senate.] Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Duckworth, Edmondson, Fitzpatrick, Fleming, Greening, Hardwicke, Holderness, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Vining, Weedon, Williams, Williamson.

Those who voted for Mr. Chamberlain are,

Mr. President, Conner, Chambers, Devereux, Dennis, Elliott, Gaines, Hanby, Hogg, Lucas, Lanier, McVay, May, Rose, Ware, Wingate, [of the Senate.] Allen, Beene, Brown, Davis, Graham, Hopkins, Jones, Miller, Tagert.

Mr. Murray was therefore declared duly elected.

The two Houses then proceeded to the election of a Judge of the County Court of Baldwin, to fill the vacancy occasioned by the death of Thomas Heald, Esq. Sylvester Bill being the only person in nomination, and every member present voting for him, the Speaker declared him unanimously elected.

The two Houses then proceeded to the election of a Judge of the County Court of Perry, to fill the vacancy occasioned by the resignation of Edwin D. King. Charles J. Shackleford and Henry Bernhard being in nomination, the votes stood thus: For Mr. Shackleford 38--For Mr. Bernhard 27.

Mr. Shackleford having a majority of all the votes present, the Speaker declared him duly elected.

Those who voted for Mr. Shackleford are,

Messrs. Conner, Dennis, Gause, Gaines, Hogg, Lucas, Lanier, McVay.

May, Rose, Ware, Wingate, [of the Senate.] Messrs. Anderson, Ayers, Beene, Brown, Dabney, Dale, Davis, Duckworth, Fitzpatrick, Fleming, Graham, Hardwicke, Hopkins, Jones, King, Leake, Masterson, Moore, Morton, McHenry, Philpott, Parham, Skinner, Vining, Weedon, Williamson.

Those who voted for Mr. Bernhard are,

Mr. President, Casey, Chambers, Davis, Devereux, Elliott, Hanby, [the Senate.] Mr. Speaker, Allen, Armstrong, Bagby, Carr, Clay, Crenshaw, Craig, Edmondson, Greening, Holderness, Montgomery, Magoffin, Murrell, Miller, Martin, Norwood, Pickett, Tagert, Williams.

The two Houses then proceeded to the election of a Judge of the county court of Dallas county, occasioned by the resignation of Jesse Beene, Esq. William Aylett being the only person in nomination, and every member present voting for him, the Speaker declared him unanimously elected.

The two Houses then proceeded to the election of a Judge of the county court of Blount county, to fill the vacancy occasioned by the resignation of William B. Wallace, Esq. Maston Meade and William Dunn being in nomination, the votes stood thus: For Mr. Meade, 33,

For Mr. Dunn, 31.

The Speaker thereupon declared Mr. Meade duly elected.

Those who voted for Mr. Meade are,

Messrs. Conner, Davis, Devereux, Lanier, May, Ware, Wingate, [of the Senate.] Mr. Speaker, Anderson, Armstrong, Bagby, Clay, Dabney, Dale, Fleming, Edmondson, Greening, Hardwicke, Holderness, Hopkins, King, Leake, Montgomery, Magoffin, Murrell, Masterson Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, [of the Ho. of Rep.]—33

Those who voted for Mr. Dunn are,

Mr. President, Casey, Chambers, Dennis, Elliott, Gause, Gaines, Hanby, Hogg, M'Vay, Rose, [of the Senate.] Allen, Ayers, Beene, Brown, Carr, Crenshaw, Craig, Davis, Duckworth, Fitzpatrick, Graham, Jones, Miller, McHenry, Parham, Skinner, Tagert, Vining, Williams, Williamson, [of the House of Representatives]—31.

After the Speaker had announced Mr. Meade duly elected, some of the absent members coming in, and the Speaker deciding they had no right to vote, the question was put, shall the vote be again taken on this election? and decided in the affirmative. Upon the second balloting, the votes stood thus: For Mr. Dunn, 34, for Mr. Meade, 32. Whereupon the Speaker declared Mr. Dunn duly elected.

Those who voted for Mr. Dunn are,

Mr. President Casey Chambers Dennis Elliott Gause Gaines Hanby Hogg M'Vay May Rose, [of the Senate.] Allen Ayers Barclay Beene Brown Carr Crenshaw Craig Davis Duckworth Fitzpatrick Graham Jones Kennedy Miller M'Henry Parham Skinner Tagert Vining Williams Williamson, [of the House of Representatives]—34.

Those who voted for Mr. Meade are,

Messrs. Conner Davis Devereux Lanier Ware Wingate, (of the Senate.)
Mr. Speaker Anderson Armstrong Bagby Clay Dabney Dale Edmondson
Fleming Greening Holderne's Hardwicke Hopkins King Leake Montgome-
ry Masterson Magoffin Murrell Moore Martin Morton Norwood Pick-
ett Powell Philpott, of the House (of Representatives).—32.

The two Houses then proceeded to the election of a Judge of the county court of Franklin, to fill the vacancy occasioned by the resignation of John S. Fulton Esq.

James Davis being the only person in nomination, and every member present voting for him, the Speaker declared him unanimously elected.

The two houses then proceeded to the election of a judge of the county court of Marion to fill the vacancy occasioned by the resignation of William Metcalf, Esq.

Anderson Ritter being the only person in nomination, and every member present voting for him, the Speaker declared him unanimously elected.

The two Houses then proceeded to the election of a judge of the county court of Madison county to fill the vacancy occasioned by the resignation of Samuel Chapman: Samuel Chapman and Henry Minor being in nomination, the votes stood thus:—For Mr. Chapman 40:—For Mr. Minor 28. The Speaker thereupon declared Mr. Chapman duly elected judge of the county court of Madison.

Those who voted for Mr. Chapman, are

Messrs. Casey, Conner, Davis, Dennis, Elliott, Gaines, Hanby, Hogg, M'Vay, Rose, Ware, [of the Senate.] Mr. Speaker, Armstrong, Bagby, Barclay, Brown, Carr, Clay, Crenshaw, Dale, Duckworth, Fitzpatrick, Fleming, Greening, Hardwicke, Holderness, Jones, Leake, Montgomery, Magoffin, Moore, Morton, Martin, Philpott, Parham, Tagert, Thompson, Weedon, Williams, Williamson—40.

Those who voted for Mr. Minor, are

Mr. President, Devereux, Gause, Lucas, Lanier, Way, Wingate, [of the Senate.] Messrs. Allen, Anderson, Ayers, Beene, Craig, Dabney, Davis, Edmondson, Graham, Hopkins, Kennedy, King, Murrell, Masterson, Miller, McHenry, Norwood, Pickett, Powell, Stinner, Vining—28.

The two houses then proceeded to the election of a judge of the county court of Pickens county to fill the vacancy occasioned by the resignation of Francis Flournoy, Esq.:—Solomon Marshal being the only person in nomination, and every member present voting for him, the Speaker declared him duly elected.

Saturday, December 1.

The House met pursuant to adjournment.

Mr. Smith presented two petitions from the inhabitants of Blount county, one praying a law to compel the county

court of said county to levy a tax for the public buildings of said county, and the other praying the passage of a law for the election of commissioners to fix on the seat of Justice for said county; which were received, and referred to the committee of propositions and grievances.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined bills of the following titles, to wit: an act to establish additional election precincts in certain counties therein named, and for other purposes; an act to authorize William Crawford and company of Franklin county, to build a mill and other water works on the Tennessee river, and for other purposes; an act for the relief of John Bishop; and, an act to incorporate the town of Sparta, and for other purposes; and find the same truly enrolled.

Mr. Fleming from the committee on roads, bridges and ferries to whom were referred sundry resolutions and petitions concerning roads, reported a bill to be entitled, an act to repeal in part and amend an act entitled, an act to reduce into one the several acts concerning roads, bridges and highways; which was read a first time, and *Ordered* to be read a second time on Monday next.

Mr. Magoffin offered the following resolution:

Whereas, the present mode of issuing subpoenas in criminal cases is attended with unnecessary inconvenience and expense to the citizens of this state; *Therefore*,

Be it resolved, That the judiciary committee be instructed to inquire into the expediency of fixing by law, a day in every term of the courts having jurisdiction thereof for the trial of criminal causes; which was adopted.

Mr. Armstrong from the Military committee to whom were referred sundry bills, and the report of the Adjutant General, reported the following bill: A bill to be entitled, an act to alter and amend the several acts now in force organizing the militia of this state; which was read a first time; and *Ordered* to be read a second time on Monday next.

A bill to be entitled, an act respecting rents; was read a third time. Mr. Craig offered the following amendment by way of rider:

And be it further enacted, That all laws on the subject of rents heretofore in force in this State be, and the same are hereby, repealed--which was adopted. And on the question shall this bill pass? It was decided in the affirmative. Yeas 37--Nays 12.

The Yeas and Nays being required, those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Beene, Brown, Carr, Clay, Crenshaw, Dabney, Davis, Elmore, Fitzpatrick, Fleming, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Masterson, Miller, Moore, Morton, Martin, McHenry, Norwood, Perry, Smith, Thompson, Viuing, Williams, Williamson.

Those who voted in the negative are,

Messrs. Bagby, Craig, Dale, Edmondson, Greening, Graham, Pickett, Murrell, Powell, Philpott, Parham, Tagert.

A message from the Senate by Mr. Davis, informing this House, that the Senate had passed the following resolution: *Resolved*, That the presence of Messrs. Armstrong, of Mobile, and Montgomery, of Baldwin, be requested before the committee of privileges and elections of this House, forthwith about to sit in relation to the election of Samuel Haines, Esq. as Senator from Baldwin---in which they desire the concurrence of this House.

On motion of Mr. Powell, *Resolved*, That a committee be appointed to examine into the accounts and vouchers of the late treasurer, and likewise the present condition of the treasury.

Whereupon, Messrs. Powell, Norwood and Magoffin, were appointed said committee.

The House resolved itself into a committee of the whole House, Mr. Greening in the chair, on the bill to be entitled an act to authorize Elisha Thomas and Davis Gurley, and their associates, to turnpike a certain road therein named; and after sometime spent therein, the committee rose, and Mr. Greening reported the bill as amended. *Ordered*, That the House concur in said report. *Ordered*, That the said bill be engrossed for a third reading on Monday.

A message was received from the Senate by Mr. Lyon, informing this House, that they had read a third time, and passed, An act to incorporate the Murder Creek Navigation Company, and had amended the same.

An act supplementary to an act for the collection of monies due the State, and for other purposes, passed December 16, 1820.

An act to allow compensation to William Dunn for examining the Black Warrior river above the town of Tuskeleosa; and,

An act appointing commissioners to lay out a certain road therein designated, which they have also amended; all of which originated in this House, and in which amendments they desire the concurrence of this House.

Also, that they had read the third time and passed, an act in relation to the Spanish records in the county of Mobile.

An act to incorporate the town of Demopolis, in Marengo county.

A memorial to the Congress of the United States praying that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed; and

Resolutions making it the duty of Harry Toulmin, and of the Judges of the Supreme and Circuit Courts of this State, to report to the General Assembly any defects or imperfections which may exist in the statutes of this State.--- In all of which they desire your concurrence.

Ordered, That the House concur in the amendment made by the Senate to the following bills, to wit:

An act to incorporate the Murder Creek Navigation Company; and

An act appointing commissioners to lay out a certain road therein designated.

Bills from the Senate of the following titles, to wit:

An act in relation to Spanish records in the county of Mobile; and

An act to incorporate the town of Demopolis in Marengo county---were read a first time, and *Ordered* to be read a second time on Monday next.

Mr. Perry, obtained leave to introduce a bill to be entitled an act to legitimate a certain person therein named, and for other purposes---which was read a first time, and *Ordered* for a second reading on Monday next.

On motion of Mr. Bagby the following resolution was adopted.

Whereas doubts exist on the minds of the members of this House, touching the constitutionality of the election of William Dunn, Esq. to the office of Judge of the County Court of Blount County, inasmuch as Maston Meade, Esq. was first declared by the Speaker of the House of Representatives duly elected to fill that office;

Be it therefore resolved, That a message be sent to the Senate informing them of said doubt, and requesting them to convene in the Representative chamber this day at 4 o'clock, for the purpose of holding said election.

Whereupon, Messrs. Armstrong and Bagby were appointed to convey said resolution to the Senate.

Mr. Graham obtained leave to introduce a bill to be entitled, an act declaring the Conecuh and Sepulgah rivers navigable streams; which was read a first time; and *Ordered*, to be read a second time on Monday next.

A communication in writing was received from His Excellency, by Mr. Pleasants, secretary of state; which communication with the accompanying documents were read, and referred to a select committee consisting of Messrs. Moore, Bagby, Craig, Armstrong and Williamson.

Ordered, that one hundred copies of said communication and documents be printed.

Mr. Armstrong presented the petition of sundry inhabitants of Blount county, recommending Maston Meade as a fit person to be appointed to fill the office of Judge of the county court of Blount county.

Mr. Allen moved, that said petition lie on the table; which was lost---yeas 4, nays 45.

The yeas and nays being call for, those who voted in the affirmative, are

Messrs. Allen, Davis, Miller, M^r Henry—4.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Duckworth, Edmondson, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Moore, Morton, Martin, Nerwood, Powell, Philpott, Perry, Parham, Skinner, Tagert, Thompson, Vinning, Weedon, Williams, Williamson—45.

The petition was then withdrawn.

Resolutions making it the duty of Harry Toulmin, and of the judges of the supreme and circuit courts of this state, to report to the General Assembly any defects or imperfections which may exist in the statute laws of this state, were read a first time; and *Ordered* to be read a second time on Monday next.

The House, then, adjourned till three o'clock.

Evening Session.

Bills of the following titles, to wit: An act to regulate the mode of issuing grants and patents in this state; an act legalizing the sales of certain lots & land therein named; an act to establish an academy in the town of Sparta, and for other purposes; an act to establish a public road therein named, and for other purposes; an act to appoint commissioners to lay out certain roads therein specified, and for other purposes; an act for the punishment of certain offences therein named; were severally read a second time, and the five first,

Ordered to be engrossed for a third reading on Monday next, and the latter referred to the judiciary committee.

Resolutions authorizing His Excellency the Governor to correspond with the President of the United States upon the subject of certain cessions of territory from the Creek and Cherokee Indians, were read a second time, and *Ordered* to be engrossed for a third reading on Monday next.

A bill to be entitled, an act for the relief of securities, was read a second time, and referred to the judiciary committee.

Mr. Kennedy offered the following resolution:

By a law passed on the 20th December, 1820, judgment and execution can only be obtained against lands purchased of the United States (on which but the first instalment has been paid) through a court of chancery, the jurisdiction of which belongs at present to the circuit courts of the state of Alabama; Therefore, be it

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing by law, the clerks of the circuit courts to keep the records of such lands, as come within the provisions of the before recited act; also, into the propriety of obliging by law the treasurers of the several counties of this state, to reside at the court houses of the same; which resolution was adopted.

A bill from the Senate to be entitled, an act to authorize Leonard Abercombie to emancipate certain slaves therein named, was read a second time.

Mr. Williamson moved to amend said bill by striking out the following words: "And that he shall remove said slaves out of this state; provided, that if any of the persons emancipated by this act shall return into this state and remain as residents of their own accord, such person or persons shall be considered to be in the same state of slavery, as if this act had never passed;" which motion was carried; *Ordered*, that said bill be read a third time on Monday next.

Mr. Graham obtained leave to introduce a bill to be entitled, an act to authorize the Judge of the county court and the commissioners of the roads and revenue of Butler county to levy an extry tax---which was read a first time, and *Ordered* to be read a second time on Monday next.

A bill to be entitled an act to amend an act to incorporate the Indian-creek navigation company, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate.

A memorial from the Senate, to the Congress of the United States, praying that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, shall be removed---was read a first time, and, *Ordered* to be read a second time on Monday next.

The following bill, and *Resolutions* from the Senate, to wit: An act to establish the seat of justice for Blount county. And, *Resolutions* to request our Senators and Representative in Congress, to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cession of certain parts of their territory---were read a second time, and *Ordered* to be read a third time on Monday next.

Bills from the Senate of the following titles, to wit:

An act relating to Justices of the Peace. and,

An act in relation to the Banking institutions of this State---were read a second time; and the first committed to a committee of the whole House, and made the order of the day for Monday next: and the latter referred to the Judiciary committee.

A bill to be entitled an act to establish a board of improvement, was read a second time, and *Ordered* to be committed to a committee of the whole House, and made the order of the day for Monday next.

The House then adjourned till Monday morning 10 o'clock.

Monday, December 3rd 1821.

The House met pursuant to adjournment.

Mr. Vining presented the petition of Henry Scales, administrator of John Watts deceased, authorizing him to sell a part of the real estate of said John Watts---which was received, and referred to a select committee, consisting of Messrs. Vining and Miller.

Mr. Barclay presented the petition of Thomas Kirby, tax collector of Jackson county, praying to be exempted from the payment of certain delinquent taxes therein named, which was received, and referred to the committee on propositions and grievances.

Mr. Perry from the committee on enrolled bills, *Reported*, that the committee had examined bills of the following titles, to wit: An act to incorporate the Murder creek navigation company.

An act appointing commissioners to lay out a certain road therein named.

An act supplementary to an act entitled an act for the collection of monies due the State, and for other purposes, passed the 16th December, 1820; and,

An act to allow compensation to William Dunn for examining the Black-warrior river, above the town of Tuska-loosa---all of which they find correctly enrolled.

Mr. Craig from the select committee to whom was referred the communication from the Executive, relative to the appointment of county officers, *Reported* the following bills, to wit:

A bill to be entitled an act to amend an act entitled an act to provide for the appointment of county officers.

And a bill to be entitled an act to procure seals of office, for the several county courts in this State---which were read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Moore obtained leave to introduce a bill to be entitled an act to regulate proceedings in chancery suits: and,

Mr. Crenshaw obtained leave to introduce a bill to be entitled, an act to abolish fictitious proceedings in actions of ejectment, and for other purposes therein mentioned---which were severally read a first time, and *Ordered* to be read a second time to-morrow.

Mr. Pickett obtained leave to introduce a bill to be entitled an act to incorporate the the town of Vernon, in the county of Autauga---which was read a first time; and the rule being dispensed with, it was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

Mr. Armstrong offered the following *Resolution*:

Whereas, the General Court Martial which convened at Claiborne, for the purpose of deciding the contested election for Major General of the fourth division of the militia of this State, has declared said election illegal: Be it therefore,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That His Excellency the Governor be, and he is hereby required to issue a writ of election as early as practicable, to fill said vacancy in the manner provided for in the 5th section of an act, passed at Cahawba on the 20th December 1820, to organize the militia of this State.

Mr. Weedon moved to amend said resolution by striking out all after the word "*Resolved*," for the purpose of inserting the following: "that His Excellency the Governor be requested to lay before the House all the proceedings in

relation to the contested election for a Major General to command the 4th division of the militia of this State, which may be in his possession--which amendment was lost.

The question was then taken on Mr. Armstrong's resolution, and decided in the negative.

On motion of Mr. Moore, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing sheriffs to wind up and settle all business on which judgment or execution may have been obtained during the time for which they may have been elected.

On motion of Mr. Williams, *Resolved*, That a select committee be appointed, to inquire into the expediency of passing a law for the election of Governor, when the office may become vacant by death, resignation or otherwise.

Whereupon Messrs. Williams, Bagby and Williamson, were appointed said committee.

Mr. Thompson obtained leave to introduce a bill to be entitled an act to repeal in part the forty third section of an act to organize the militia of this State, and to substitute an amendment thereto; and

Mr. Kennedy obtained leave to introduce a bill to be entitled an act to provide compensation for witnesses in criminal cases, out of county funds, in certain specified cases--which were severally read a first time, and *Ordered* to be read a second time to-morrow.

A bill to be entitled an act to regulate the mode of issuing grants and patents in this State--was read a third time, amended and passed. *Ordered*, that the title be as aforesaid. *Ordered*, That the same be sent to the Senate.

The House resolved itself into a committee of the whole House, Mr. Bagby in the chair, on the bill to be entitled An act to provide for the assessing and collecting the taxes in this State; and after some time spent therein, the committee rose, and Mr. Bagby reported, that the committee had made progress therein, and asked leave to sit again.

Bills of the following titles, to wit:

An act to appoint commissioners to lay out certain roads therein specified, and for other purposes;

An act legalizing the sales of certain lands and lots therein named, and for other purposes; and,

An act to establish a public road therein named, and for other purposes--were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The House again resolved itself into a committee of the whole, on the bill to be entitled an act to provide for assessing and collecting the revenue of this State; and after some time spent therein, the committee rose, and Mr. Bagby obtained leave to report on to-morrow.

A message from the Senate by Mr. Lyon their secretary, informing this House, that they had read a third time and passed the following bills, which originated in this House, to wit:

An act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named;

An act for the relief of Eugenio Campbell, tax collector of Lawrence county;

An act to establish certain counties therein named, and for other purposes; and,

An act supplementary to an act entitled an act to suppress duelling, passed 17th, December, 1819.

Also, that they had read the third time and passed the following bills:

An act to amend the act to incorporate the city of Mobile, passed on the 17th Dec. 1819;

An act to establish certain election precincts therein named, and for other purposes;

An act to establish a board of improvement;

An act to authorize a lottery for the purpose of building a bridge over Prairie creek, in the county of Greene; in which they desire your concurrence.

A message was received from His Excellency by Mr. Pleasants, informing this House, that he did on this day approve and sign,

An act to establish additional election precincts in certain counties therein named.

An act authorizing a lottery for the making of a turnpike road from the city of Mobile to Chickasaw Bogue creek in the county of Mobile, and for other purposes.

An act for the relief of John Bishop.

An act to authorize William Crawford and company, of Franklin county, to build a mill and other water works on the Tennessee river, and for other purposes.

An act to establish the permanent seat of justice in the county of Shelby.

An act for the relief of John McShan and William McShan, of Jefferson county; and,

An act to incorporate the town of Sparta, and for other purposes.

Mr. Ayers obtained leave to introduce a bill to be entitled, an act to establish a certain county therein named; and,

Mr. Dabney obtained leave to introduce a bill to be entitled; an act to establish the permanent seat of justice for the county of Montgomery; which were severally read a first time, and ordered to be read a second time to morrow.

On motion of Mr. Williams, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending the law in relation to taking bail by sheriffs and other officers, on any process where bail may be required.

On motion of Mr. Williamson, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of laying off another judicial circuit.

Mr. Moore offered the following resolution:

Resolved, That the tax collector of Madison county be and he is hereby authorized and required to pay into the Huntsville bank, the amount of money he may have collected on or before the 27th day of December, 1821; which sum shall be placed to the credit of the governor of the state, to be applied in conformity with the act authorizing the payment of the debt of ten thousand dollars due from the state to said bank.

Mr. Murrell moved to amend said resolution, by adding after the word "Madison," the words "and Limestone;" which was carried; *Ordered*, that said resolution lie on the table.

The House adjourned.

Tuesday, December 4, 1821.

Mr. Fitzpatrick from the committee of propositions and grievances to whom was referred the petition of sundry inhabitants of Blount, praying a law to fix the seat of justice for said county, reported thereon; in which the House concurred.

Mr. Fitzpatrick from the same committee to whom was referred the petition of Matthew D. Thomason, *Reported unfavourably* to the prayer of the petitioner.

A message was received from the Governor by Mr. Pleasants, secretary of state, informing this House, that he did on the third instant approve and sign the following acts:

An act supplementary to an act entitled, an act for the collection of monies due this state, and for other purposes, passed December 16, 1820.

An act appointing commissioners to lay out a certain road therein designated; and,

An act to allow compensation to William Dunn, for examining the Blackwarrior river.

Mr. Vining from the select committee to whom was referred the petition of Henry Scales, administrator of John Watt, deceased, reported a bill to be entitled, an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named; which was read a first time, and *Ordered* to be read a second time to morrow.

Resolutions to request our Senators and Representative in Congress to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cession of certain parts of their territory; were read a third time, and ordered to lie on the table.

A bill to be entitled, an act to regulate the mode of taking appeals to the supreme court, was read a second time, and ordered to be committed to a committee of the whole House, and be made the order of the day for to morrow.

A bill to be entitled, an act authorizing Elisha Thomas and Davis Gurley and their associates, to turnpike a certain road therein named, was read a third time.

Mr. Parham moved to fill the blank allowing compensation to the commissioners for viewing the road, with "three dollars and seventy five cents;" which was decided in the negative---ayes 23, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Bagby, Clay, Davis, Duckworth, Evans, Elmore, Fleming, Hardwicke, Holderness, Moore, Martin, Pickett, Powell, Philpot, Perry, Parham, Tagert, Vining, Weedon, Williams, Williamson--23.

Those who voted in the negative, are

Mr. Speaker, Anderson, Ayers, Barclay, Beene, Brown, Carr, Crenshaw, Craig, Dabney, Edmondson, Graham, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Morton, M'Henry, Norwood, Smith, Skinner, Thompson--28.

Mr. Craig moved to fill the blank in the 6th section giving an exclusive privilege to the said proprietors to keep the said road as a turnpike, with "twelve;" which was decided in the negative---ayes 23, nays 27.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Ayers, Beene, Brown, Crenshaw, Craig, Dabney, Edmondson, Hardwicke, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Morton, Norwood, Parham, Skinner, Smith, Tagert--23.

Those who voted in the negative are:

Messrs. Allen, Armstrong, Bagby, Barclay, Carr, Clay, Davis, Duck-

Worth, Evans, Elmore, Fleming, Holderness, Hopkins, Jones, Miller, Moore, Martin, McHenry, Pickett, Powell, Philpott, Perry, Thompson, Vining, Weedon, Williams, Williamson,—27.

Mr. Craig moved to fill the said blank with "eleven"... which was decided in the negative. Ayes 23, nays 27.

The ayes and nays being called for, those who voted in the affirmative are,

Mr. Speaker, Anderson, Ayers, Beene, Brown, Crenshaw, Craig, Dabney, Edmondson, Hardwick, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Morton, Norwood, Parham, Skinner, Smith, Tagert,—23.

Those who voted in the negative are,

Messrs. Allen, Armstrong, Bagby, Barclay, Carr, Clay, Davis, Duckworth, Evans, Elmore, Fleming, Holderness, Hopkins, Jones, Miller, Moore, Martin, McHenry, Pickett, Powell, Philpott, Perry, Thompson, Vining, Weedon, Williams, Williamson,—27.

Mr. Craig moved to fill the said blank with "eight and nine months"... which was decided in the negative. Ayes 21, nays 29.

The ayes and nays being called for, those who voted in the affirmative are,

Messrs. Anderson, Ayers, Beene, Brown, Carr, Crenshaw, Craig, Dabney, Edmondson, Hardwicke, Kennedy, King, Montgomery, Magoffin, Murrell, Masterson, Norwood, Parham, Skinner, Smith, Tagert,—21.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Clay, Davis, Duckworth, Evans, Elmore, Fleming, Holderness, Hopkins, Jones, Leake, Miller, Moore, Morton, Martin, M'Henry, Pickett, Powell, Philpott, Perry, Thompson, Vining, Weedon, Williams, Williamson,—29.

The blank was then filled with "eight." The question was then put, shall this bill pass? and decided in the affirmative. Yeas 28; nays 22.

The yeas and nays being called for, those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Ayers, Beene, Carr, Crenshaw, Craig, Dabney, Davis, Duckworth, Edmondson, Elmore, Fitzpatrick, Jones, Kennedy, Leake, Montgomery, Magoffin, Murrell, Masterson, Morton, Martin, McHenry, Norwood, Skinner, Smith, Tagert,—28.

Those who voted in the negative, are

Messrs. Armstrong, Bagby, Barclay, Evans, Fleming, Greening, Graham, Hardwicke, Holderness, Hopkins, Miller, Moore, Pickett, Powell, Philpott, Perry, Parham, Thompson, Vining, Weedon, Williams, Williamson,—22.

Ordered, That the words "A bill to be entitled," be stricken out. Ordered, That the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they had read the third time and passed the following bills, which originated in this House, to-wit:

An act to amend an act entitled an act to incorporate the Indian Creek Navigation Company;

An act to regulate the mode of issuing grants and patents in this State; and

An act legalizing the sales of certain lands and lots therein named, and for other purposes.

Also that they had read a third time and passed,

An act authorizing a lottery for the benefit of building an academy in the town of Montgomery;

An act more effectually to enforce the acts of the General Assembly of the 21st. December, and of June the 14th, 1821, in relation to roads within this State; and

An act supplementary to the several acts in relation to wills, intestates and guardians. In all of which they desire the concurrence of this House.

Also, that they had read a third time and passed, a bill to be entitled an act to alter and amend the militia laws of this State, which originated in this House, and to which they had made sundry amendments; in which amendments they desire the concurrence of this House.

The House then amended the amendment of the Senate by striking out the word "be," in the 8th section of said amendment. *Ordered*, That the Senate be requested to concur in said amendment. *Ordered*, That this House concur in the balance of said amendments.

Mr. Bagby from the committee of the whole House, to whom was referred the bill to be entitled an act to provide for assessing and collecting the revenue of this State, reported the said bill with sundry amendments.

Mr. Masterson moved, that the House disagree to the amendment made by the committee to the first section of said bill, which was decided in the negative. Ayes 21--Nays 30.

The Ayes and Nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Ayers, Bagby, Clay, Craig, Duckworth, Edmondson, Hardwicke, Hopkins, King, Murrell, Masterson, Miller, Martin, Powell, Philpott, Perry, Vining, Weedon, Williamson.

Those who voted in the negative are,

Mr. Speaker, Anderson, Barclay, Beene, Carr, Crenshaw, Davis, Evans, Emore, Fitzpatrick, Fleming, Greening, Graham, Holderness, Jones, Kennedy, Leake, Montgomery, Magoffin, Moore, Morton, M'Henry, Norwood, Pickett, Parham, Skinner, Smith, Taggart, Thompson, Williams.

The House then concurred in the balance of the amendments. The bill was then further amended, and *Ordered* to be engrossed for a third reading to-morrow.

The House then resolved itself into a committee of the whole House, Mr. Williams in the chair, on the bill to be entitled an act to raise a revenue for the support of government, for the year 1822; and after sometime spent therein, the committee rose, reported progress, and obtained leave to sit again.

The House then adjourned till four o'clock this evening.

Evening Session.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined bills of the following titles, to wit:

An act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named;

An act to establish certain counties therein named, and for other purposes;

An act supplementary to an act entitled an act to suppress duelling, passed 17th December, 1819:

An act for the relief of Eugenio Campbell, tax collector of Lawrence county;

An act to regulate the mode of issuing grants and patents in this State; and,

An act to amend an act entitled an act to incorporate the Indian Creek Navigation company: All of which they find truly enrolled.

An engrossed bill to be entitled "an act to establish an academy in the town of Sparta, and for other purposes," was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr. Bagby from the select committee to whom was referred a bill to be entitled, an act permitting Merchants, Shopkeepers, Tradesmen, Physicians and Apothecaries, to prove their books of accounts, *Reported* a substitute therefor; which was read a second time, and *Ordered* to be engrossed for a third reading to morrow.

An engrossed bill to be entitled, an act to incorporate the town of Vernon in the county of Autauga, was read a third time and passed; *Ordered*, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

A communication from His Excellency was received by Mr. Pleasants, in the following words:

Executive Department, Cahawba, December 4, 1821.
 Gentlemen of the Senate,
 and of the House of Representatives:

I herewith return to the House of Representatives the bill originating in that House entitled, "an act to incorporate the Murder creek Navigation Company."

The reason for not having approved the bill is, that an obvious inaccuracy appears in the second section; and which may either afford doubt in its construction, or render the whole inoperative. The following provision is that which appears defective:

"And be it further enacted, That the sum of six thousand dollars shall be divided into twelve hundred shares of fifty dollars each," &c.

This defect I doubt not was inadvertently occasioned.

ISRAEL PICKENS.

The following communication was also received from His Excellency:

Executive Department, Cahawba, Dec. 4, 1821.

Gentlemen of the Senate,
 and of the House of Representatives:

I have received a letter from William C. Watson, Esq. who was appointed a judge of the county court of Henry county, declining the acceptance of said office.

ISRAEL PICKENS.

The following communication was also received from His Excellency:

Executive Department, December 4, 1821.

Gentlemen of the Senate,
 and of the House of Representatives:

While a small portion of your time will be necessarily occupied in improving the militia laws, I think it proper to suggest several obvious defects, which appear to require amendment.

1. Courts martial for trying contested elections of general officers are required to be detailed from the same divisions or brigades. Those persons must necessarily compose the tribunal who will most likely participate in the prejudices usual on such occasions. Besides, should a decision not be sanctioned, owing to illegality of detail, or other proper cause, there may be some difficulty in detailing a new court from the same brigade or division, especially in procuring officers of high rank to compose it.

2. The law requires the trial and proceedings of such

courts to be conducted under a solemn oath of secrecy; although in the decision of a disputed election, not one of those prudential reasons apply, which require secrecy in the usual duties of military courts, where the character or conduct of an officer is generally implicated.

Nothing contributes so much to fair investigation, as open public trials; to say nothing of the demoralizing tendency of unnecessary oaths and the consequent liability to inadvertent violations of them.

3. In the 38th section of our militia law of December, 1820, "The rules and articles for the government of the armies of the United States," are adopted as a part of our military government, when any portion of our militia may be on public service. The 65th article of those rules and articles, as well as universal usage under them, subjects every decision of court martial to the revision of the officer ordering it, or to the officer highest in command. Yet the terms used in the 8th section of our militia act, are not without susceptibility of doubt, whether this right of revision is taken from the Executive as commander in chief in decisions of contested elections. The law should be made clear in this particular for the determination of decisions that may hereafter occur. Any cases however, that may be presented, whether involved in doubt or not, will meet that determination which will be the result of mature reflection in the law existing, when it has occurred.

4. It is also worthy of consideration, whether an annual review of all the regiments in the state by the adjutant-general would not insure a more uniform system of discipline, a better organization of our body of Militia, as well as a greater actuality in obtaining returns, and at the same time more economy in expense than the present system.

ISRAEL PICKENS.

Ordered, that the said communication be referred to the military committee.

The House resolved itself into a committee of the whole House again, on the bill to be entitled, an act to raise a revenue for the support of government for the year 1822; and after some time spent therein, the committee rose, and Mr. Williams obtained leave to report on to morrow.

The House then adjourned.

Wednesday, December 5.

The House met pursuant to adjournment.

Mr. Leake from the committee on county boundaries, to

whom was referred the petition of sundry inhabitants of Shelby and St. Clair, praying the extension of the bounds of the latter county, *Reported*, that the prayer of the petition is unreasonable, and ought to be rejected.

Mr. Leake from the same committee to whom were referred sundry petitions from the inhabitants of Autauga, Montgomery and Dallas, upon the subject of forming a new county from those counties, *Reported*, that it is inexpedient at this time to form a new county from parts of Dallas, Autauga, and Montgomery.

Upon the question being put, shall the House agree to this report? It was decided in the affirmative. Ayes 33, Nays 4. The yeas and nays being called for,

Those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Ayers, Beene, Carr, Clay, Crenshaw, Craig, Davis, Duckworth, Edmondson, Elmore, Fleming, Graham, Holderness, Jones, King, Leake, Montgomery, Magoffin, Murrell, Masterman, Miller, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Tagert, Thompson, Vining, Weedon.

Those who voted in the negative, are

Messrs. Brown, Dabney, Hardwicke, Williamson.

Bills from the Senate of the following titles, to wit:

An act to amend the act to incorporate the City of Mobile, passed the 17th December 1819;

An act to authorise a lottery for the purpose of building a bridge over Prairie Creek, in the County of Greene;

An act to establish certain election precincts therein named, and for other purposes; and,

An act to establish a board of internal improvement; were severally read a first time and ordered to be read a second time to morrow.

Mr. Williams from the committee of the whole House, to whom was referred the bill to be entitled an act to raise a revenue for the support of government for the year 1822, reported the said bill with sundry amendments. *Ordered*, that the House disagree to the amendment made by the committee in striking out of the third section the words "for every horse kept exclusively for saddle or pleasure carriage." On the question shall the House concur in the amendment made by the committee in striking out of the third section the words "for every practising attorney dollars; for every practising physician dollars;" and decided in the affirmative. Yeas 31. Nays 21.

The yeas and nays being called for,

Those who voted in the affirmative are,

Messrs. Anderson, Armstrong, Bagby, Barclay, Carr, Clay,

Craig, Dabney, Dale, Edmondson, Fitzpatrick, Fleming, Graham, Holderness, Hopkins, Montgomery, Magoffin, Murrell, Morton, Martin, Norwood, Pickett, Philpott, Perry, Parham, Smith, Tagert, Thompson, Vining, Weedon, Williamson.

Those who voted in the negative are,

Mr. Speaker, Allen, Ayers, Beene, Brown, Crenshaw, Davis, Duckworth, Elmore, Greening, Hardwicke, Jones, King, Leake, Masterson, Miller, Moore, M'Henry, Powell, Skinner, Williams.

The House then concurred in the balance of the amendments.

Mr. Pickett moved to strike out of the third section, the words "twenty five" where it occurs in these words "for all neat cattle which may be owned by any one citizen of this State, over *twenty-five* head cents," for the purpose of inserting the word "forty;" which was decided in the negative. Ayes 17. Nays 30.

The yeas and nays being called for,

Those who voted in the affirmative are,

Messrs. Armstrong, Ayers, Bagby, Clay, Crenshaw, Duckworth, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Hopkins, Jones, Magoffin, Pickett, Tagert, Weedon.

Those who voted in the negative are,

Mr. Speaker, Allen, Anderson, Barclay, Beene, Brown, Carr, Craig, Dale, Davis, Edmondson, Holderness, Leake, Murrell, Masterson, Miller, Moore, Morton, Martin, M'Henry, Norwood, Powell, Philpott, Perry, Parham, Skinner, Thompson, Vining, Williams, Williamson—30.

Mr. Anderson moved to strike out the first section of said bill; which was decided in the negative---ayes 10, nays 39.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Ayers, Craig, Davis, Edmondson, Leake, Murrell, Masterson, Morton, Martin—10.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Dale, Duckworth, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Holderness, Hopkins, Jones, Montgomery, Magoffin, Miller, Moore, M'Henry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson—39.

Mr. Weedon offered the following amendment to the third section, "for every dirk ; for every sword cane ; for every pocket or side pistol ;

for every dirk knife with a spring to prevent it from shutting

Mr. Davis moved to amend the said amendment, by striking out the words "for every dirk knife with a spring to prevent it from shutting;" which was decided in the affirmative.

The question was then taken on Mr. Weedon's amendment as amended, and decided in the negative---ayes 20, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Beene, Clay, Craig, Davis, Duckworth, Holderness, Jones, King, Leake, Miller, Morton, McHenry, Powell, Philpott, Skinner, Tagert, Vining, Weedon, Williamson--20.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Brown, Carr, Crenshaw, Dabney, Dale, Edmondson, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Hopkins, Montgomery, Magoffin, Murrell, Masterson, Moore, Martin, Norwood, Pickett, Perry, Parham, Smith, Thompson, Williams--31.

Mr. Moore moved to amend the third section, by inserting the words "work oxen excepted" after the words "new cattle;" which was carried.

Mr. Bagby moved to amend the third section, by inserting after the word "liquors" the words "for every horse or mule;" which was decided in the negative---ayes 18, nays 34.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Armstrong, Ayers, Bagby, Barclay, Crenshaw, Dabney, Dale, Elmore, Fleming, Graham, Hopkins, Montgomery, Morton, Martin, McHenry, Perry, Smith--18.

Those who voted in the negative, are

Messrs. Allen, Anderson, Beene, Brown, Carr, Clay, Craig, Davis, Duckworth, Edmondson, Fitzpatrick, Greening, Hardwicke, Holderness, Jones, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Tagert, Thompson, Vining, Weedon, Williams, Williamson--34.

Mr. Armstrong moved to amend the third section by inserting at the end thereof the following words "for every thousand pounds of net cotton picked at any gin, used for ginning cotton . . . cents."

Mr. Craig moved to amend the said amendment, by adding the following words, "and for every thousand feet of lumber, cut at any saw mill . . . cents."

The question was then taken on the amendment, and the amendment to the amendment, and decided in the negative---ayes 24, nays 28.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Beene, Clay, Crenshaw, Craig, Dale, Holderness, Montgomery, Magoffin, Murrell, Miller, Martin, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Williams—24.

Those who voted in the negative are,

Messrs. Allen, Barclay, Brown, Carr, Dabney, Davis, Duckworth, Edmondson, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Hopkins, Jones, King, Leake, Masterson, Moore, Morton, McHenry, Perry, Tagert, Thompson, Vining, Weedon, Williamson—23.

Mr. Anderson moved to amend the third section, by adding at the end thereof the following words, "on all stills in use cents; and on all bachelors over twenty five years old, ;" which was decided in the negative.

Mr. Powell offered the following additional section:

And be it further enacted, That in addition to the tax herein imposed upon the sale of Merchandize, the retailers of all spiritous and vinous imported liquors, and likewise Spanish cigars, shall pay per cent. on the invoice cost of the same, to be collected as provided for in other cases; which was adopted.

On motion of Mr. Morton two additional sections were added. *Ordered*, that the said bill be engrossed for a third reading to morrow.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed the following bills:

An act to incorporate the town of Belle Fonte in the county of Jackson.

An act to establish the temporary seat of justice in the county of Decatur, and for other purposes.

An act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this state, as may aid the credit and currency of the treasury notes.

An act to provide for transcribing and transferring certain records from Mobile to Baldwin county.

An act to establish a ferry and appoint commissioners to lay out a certain road therein named.

An act authorizing the sale of college lands, and for other purposes; and,

An act to alter the time of holding the county courts in

the country of Franklin; in all of which bills they desire the concurrence of your Honourable body.

Another message was received from the Senate, by Mr. Lyon their Secretary, informing this House, that they have concurred in the amendment made by this House to the bill to be entitled, an act to alter and amend the militia laws of this state. Also, that they had read a third time and passed a bill to be entitled, an act to fix the time for convening the General Assembly of the state of Alabama; which originated in this House.

Bills from the Senate of the following titles, to wit:

An act supplementary to the several acts in relation to wills, intestates and guardians;

An act more effectually to enforce the acts of the General Assembly of the 21st December, 1820, and of June 14, 1821, in relation to roads within this state.

An act providing for certain officers.

An act authorizing a lottery for the benefit of building an academy in the town of Montgomery.

An act authorizing the sale of college lands, and for other purposes; and,

An act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this state, as may aid the credit and currency of Treasury notes; were severally read a first time, and *Ordered* to be read a second time to morrow.

The bill to be entitled, an act to incorporate the Murder creek navigation company, which was returned to this House by His Excellency, was again taken into consideration.

Mr. Craig moved to reconsider the vote on the passage of said bill; which was carried.

Mr. Craig moved to reconsider the vote on the third reading of said bill; which was carried.

The bill then being on its second reading, Mr. Greening moved to amend the same by striking out the words "twelve hundred," for the purpose of inserting "one hundred and twenty;" which was carried.

The bill was then read a third time and passed: *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to provide for assessing and collecting the revenue of the state, was read a third time.

Mr. Clay moved to amend the said bill by way of rider, by adding the following words at the end of the 14th section, to wit: "or the notes of any chartered bank in this state;" which was decided in the negative---ayes 14, nays 34.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Clay, Edmondson, Hardwicke, Holderness, Hopkins, Leake, Moore, Morton, Philpott, Parham, Skinner, Vining, Weedon—14.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Beene, Brown, Carr, Crenshaw, Craig, Dale, Davis, Duckworth, Elmore, Fitzpatrick, Montgomery, Magoffin, Fleming, Graham, Murrell, Masterson, Miller, Martin, McHenry, Norwood, Pickett, Powell, Perry, Smith, Tagert, Thompson, Williams, Williamson—34.

Ordered, that the said bill lie on the table.

The House then adjourned.

Thursday, December 6th, 1821.

The House met pursuant to adjournment.

Mr. Perry from the committee on enrolled bills, *Reported*, that the committee had examined bills of the following titles, to wit:

An act legalizing the sales of certain lands and lots therein named, and for other purposes;

An act fixing the time of convening the General Assembly of the State of Alabama;

An act to alter and amend the militia laws of this State and find the same truly enrolled.

Mr. Fitzpatrick from the committee of propositions and grievances, to whom was referred the petition of Thomas Kirby, tax collector of Jackson county; also, the petition of Jonas Brown, reported unfavourably to said petitions. *Ordered*, that the House concur in said report.

Mr. Fitzpatrick from the same committee, to whom was referred the petition of R. H. Gregg, tax collector of Wilcox county, *Reported*, that it is at this time inexpedient to pass any law on the subject. In which the House concurred.

Mr. Crenshaw from the Judiciary committee, to whom was referred a resolution of this House, requiring said committee to inquire into the expediency of authorizing by law the clerks of circuit courts to keep records of certain lands, *Report* that it is inexpedient and improper at this time to act thereon. *Ordered*, that the House concur in said report.

Mr. Crenshaw from the same committee, to whom was referred a resolution requiring said committee to inquire

into the expediency of fixing by law a day in every term of the courts for the trial of criminal cases---*Reported*, that it is inexpedient at this time, to act on said resolution. *Ordered*, that the House concur in said report.

Mr. Crenshaw from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of amending the law in relation to taking bail by the sheriffs---*Report*, that it is inexpedient at this time to act on the subject of said resolution. *Ordered*, that the House concur in said report.

Mr. Crenshaw from the same committee, to whom was referred a bill to be entitled "an act concerning Jurors, and for other purposes," *Reported* the said bill without amendment. In which the House concurred. *Ordered*, that the said bill be engrossed for a third reading to-morrow.

Mr. Crenshaw from the same committee, to whom was referred a bill to be entitled an act supplementary to an act entitled an act for the relief of securities---*Reported* the same without amendment. In which the House concurred. *Ordered*, that the said bill be engrossed for a third reading to-morrow.

Mr. Crenshaw from the same committee, to whom was referred "a bill to be entitled an act for relief of securities"---*Reported*, that as the objects of said bill are embraced in a bill now before the House, they therefore report the same without amendment; in which the House concurred.

Mr. Crenshaw from the same committee, to whom was referred a bill to be entitled an act to repeal in part and amend an act entitled an act to constitute a court of oyer and terminer, for the trial of slaves, and for other purposes---*Reported*, that they view favourably the said bill, and report it without amendment. In which the House concurred. *Ordered*, that said bill be engrossed for a third reading to-morrow.

Mr. Crenshaw from the same committee, to whom was referred a bill from the Senate entitled "an act relating to Justices of the Peace"---*Reported*, that they deem it inexpedient at this time to act on said bill; they therefore report it without amendment. In which the House concurred.

Mr. Crenshaw from the same committee, to whom was referred a resolution directing said committee to inquire into the expediency of establishing an additional judicial circuit---*Reported* a bill to be entitled an act to regulate the judicial circuits of this State, and appointing an additional

Judge and Solicitor---which was read a first time, and *Ordered* to be read a second time to-morrow.

The House then resolved itself into a committee of the whole House on the bill to be entitled, an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of said act, Mr. Craig in the chair; and after sometime spent therein, the committee rose, and Mr. Craig obtained leave to report on to-morrow.

The House adjourned till 3 o'clock.

Evening Session.

There not being members sufficient to form a quorum, the House adjourned till 9 o'clock to-morrow morning.

Friday, December 7.

The House met pursuant to adjournment.

Mr. Perry from the committee on enrolled bills, *Reported*, that the committee had examined a bill to be entitled an act to establish a public road therein named, and find the same truly enrolled.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they had passed a resolution appointing a committee on their part to confer with such committee as may be appointed on the part of this House, to examine the amount of printing for the State for the political year 1820-21, and report by bill or otherwise; and that they had appointed on their part, Messrs. Lucas, Chambers and Hogg. *Ordered*, That the House concur in said resolution.

Whereupon, Messrs. Leake, Parham and Crenshaw, were appointed a committee on the part of this House.

A message was received from the Senate by Mr. Lyon their secretary, informing this House, that they had read a third time and passed, a bill to be entitled an act to establish a public road therein mentioned, and for other purposes, which originated in this House.

Also, that they had read a third time and passed, a bill to be entitled an act to authorize Peter Ross to establish a toll bridge across Big Mulberry creek, between the counties of Dallas and Autauga.

In which they desire the concurrence of this House.

A bill to be entitled an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named---was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

A bill from the Senate to be entitled an act to authorize Leonard Abercrombie to emancipate certain slaves therein named---was read a third time.

Mr. Williamson moved to amend the said bill by way of amendment, by adding the following words: "And that he shall remove said slaves out of this State: *Provided*, That if any of the persons emancipated by this act, shall return into this State, and remain as residents of their own accord, such person or persons, shall be considered to be in the same state of slavery as if this act had never passed;" which amendment was adopted. The bill was then passed. *Ordered*, That the same be sent to the Senate.

Mr. Crenshaw from the judiciary committee to whom was referred a bill to be entitled an act for the punishment of certain offences therein named, reported in lieu thereof, a bill to be entitled an act for the punishment of malicious mischief. In which report the House concurred.

The said bill was read a second time and *Ordered* to be engrossed for a third reading to-morrow.

On motion of Mr. Greening, *Ordered*, That the resolution prohibiting the introduction of new business into this House after Monday last be suspended. Thereupon,

On motion of Mr. Greening, *Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That our Senators and Representatives in Congress, be instructed, to use their influence to procure the passage of a law, by which such parts of the returns of the census of the State of Alabama, as have been or may be received, subsequently to the time pointed out by an act of Congress, passed at the last session, may be received and made a part of the population of this State, in such manner as to be entitled to representation in Congress.

Resolved further, That the Governor be requested to forward a copy of the foregoing resolution, to each of our Senators and our Representative. Which resolution was read a first time; and the rule being dispensed with it was read a second time forthwith, and *Ordered* to be engrossed for a third reading to-morrow.

Mr. Moore from the select committee to whom was referred a bill to be entitled an act to amend an act to reduce to one the several acts concerning strays, Reported, That said committee had stricken out all of the said bill, after the enacting clause, and recommend one in lieu thereof---which was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

Mr. Craig from the committee of the whole House, whom was referred a bill to be entitled an act to amend several acts in relation to the establishment of the bank the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, Reported the said bill with sundry amendments. In all of which the House concurred.

Mr. Pickett moved to amend the 11th section of said bill by striking out the words "one hundred thousand" for the purpose of inserting "two hundred thousand;" which was lost.

Mr. Armstrong offered the following amendment:

Be it further enacted, That when any of the incorporate banks in this state shall become a branch of the state bank it shall be the duty of the president and directors in behalf of said bank to sign a relinquishment, surrendering so much of the right granted in her charter as authorizes the loan or loans of money in any manner whatever either by discount or otherwise, which shall be considered as binding on said corporation: *Provided,* they may renew discounts already made by said corporation.

Which amendment was adopted.

Mr. Williamson offered the following amendment:

And be it further enacted, That no person or persons whatever, who shall be either directly or indirectly interested in the said bank, as a stockholder, either in his or their own right, or in the right of any other person or persons, body or bodies politic whatsoever, shall be eligible to the office of judge of the circuit court of chancery, or supreme court of this state.

Which amendment was adopted.

Mr. Powell offered the following amendment to come in after section 9:

And be it further enacted, That the statements required in the 14th rule, in the preceding section, shall be made out on oath by the cashier, or if there be no cashier, then by the chief clerk employed in the said bank, and shall in addition contain the amount of specie on hand, and all other kinds of property, both real and personal:---and once in each year, there may be appointed by joint vote of the Legislature, one or more fit persons who shall have full power, in addition to the authority in the foregoing premises, whenever it may be conceived necessary by the Legisla-

ture, to count the specie belonging to the said Bank, and to examine on oath or affirmation any director, officer, or agent of the said bank on any matter within the sphere of his agency. And if the cashier or chief clerk shall refuse or neglect to make such statements required by this act, for the space of thirty days after the meeting of the Legislature, he shall forfeit his office in said Bank, shall forever thereafter be ineligible, and shall forfeit and pay for the use of the State, a sum not exceeding five hundred dollars; and that the statements required to be furnished to the mother Bank from the several branches thereof, be under the same rules, regulations and restrictions as are herein contained. Which amendment was lost.

Mr. Armstrong offered the following amendment:

Be it further enacted, That the Legislature shall, by a joint vote of both Houses, fix the place where the Bank shall be located. Which was adopted.

Mr. Crenshaw offered the following amendment:

Be it further enacted, That no person who is a director or stockholder of any other Bank, shall be a director or officer of the State Bank: *Provided*, nothing herein contained shall prevent the stockholders of any of the Banks now established from being a director of the State Bank, after the said Bank shall become a branch of the State Bank. Which amendment was adopted. *Ordered*, that the said bill be engrossed, for a third reading to morrow.

A communication was received from the Governor by Mr. Pleasants, Secretary of State, informing this House that he did, on the 6th instant, approve and sign.

An act to regulate the mode of issuing grants and patents in this State.

An act legalizing the sales of certain lands and lots therein named, and for other purposes.

An act to alter and amend the militia laws of this State.

An act to amend an act entitled an act to incorporate the Indian Creek navigation company.

An act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named.

An act for the relief of Eugenio Campbell, tax collector of Lawrence county.

An act supplementary to an act to suppress duelling, passed the 17th December 1819; and,

An act to fix the time for convening the General Assembly of the State of Alabama.

A bill to be entitled An act to regulate the Judicial Circuits of this State, and appointing an additional Judge and Solicitor, was read a second time.

Mr. Perry moved to amend the said bill, by striking out the word "Pickens" in the third Judicial Circuit, for the purpose of inserting "Blount;" Which was lost.

Mr. Armstrong moved to strike out "Conecuh" in the first judicial circuit, for the purpose of inserting "Marengo;" which was decided in the affirmative. Ayes 23. Nays 21.

The ayes and nays being called for,

Those who voted in the affirmative, are,

Mr. Speaker, Allen, Armstrong, Bagby, Brown, Carr, Crenshaw, Dale, Duckworth, Evans, Fleming, Hopkins, Kennedy, Leake, Montgomery, Murrell, Masterson, Morton, Martin, Norwood, Smith, Tagert, Thompson,

Those who voted in the negative, are

Messrs. Anderson, Beene, Edmondson, Elmore, Fitzpatrick, Greening, Hardwicke, Holderness, Jones, Moore, M'Henry, Pickett, Powell, Philpott, Perry, Parham, Skinner, Vining, Weedon, Williams, Williamson.

Mr. Crenshaw moved to strike out "Autauga" in the sixth Judicial Circuit, for the purpose of inserting "Conecuh;" which was carried.

Mr. Crenshaw moved to strike out "Marengo" for the purpose of inserting "Autauga" in the second Judicial Circuit; which was carried.

Mr. Williamson moved to reconsider the vote on Mr. Perry's motion to strike out "Pickens" in the third Judicial Circuit; which was lost. Ayes 14. Nays 31.

The Yeas and Nays being called for, those who voted in the affirmative are,

Messrs. Allen, Ayers, Edmondson, Fitzpatrick, Hardwicke, Jones, Miller, Martin, Pickett, Perry, Powell, Vining, Williams, Williamson—14.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dale, Duckworth, Elmore, Fleming, Graham, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Masterson, Moore, M'Henry, Norwood, Philpott, Skinner, Smith, Tagert—31.

Ordered, that said bill be engrossed for a third reading to morrow.

Message from the Senate, by Mr. Lyon their secretary, informing this House that they disagree to the amendment made by this House to the bill to be entitled, an act to incorporate the murder creek navigation company.

Message from the Senate by Mr. Lyon, their secretary, informing this House, that they have read a third time and passed, the following bills, to wit: An act to incorporate the town of Verpon in the county of Autauga; and, an act to es-

establish an academy in the town of Sparta, and for other purposes; which originated in this House.

The House then adjourned until three o'clock this evening.

Evening Session.

Ordered, that the House concur in the disagreement of the Senate to the amendment made by this House to the bill to be entitled, an act to incorporate the Murder creek navigation company.

The House then took into consideration the bill to be entitled, an act to provide for assessing and collecting the revenue of this state. The question being taken to fill the blank in the eighth section of said bill, where it occurs in these words: "*Provided*, That no assessor and collector, shall receive more than five hundred, nor less than _____ dollars" with "one hundred;" it was decided in the affirmative---yeas 29, nays 18.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Ayers, Beene, Duckworth, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Holderness, Jones, Kennedy, Leake, Matson, Matherson, Miller, Moore, Martin, Norwood, Pickett, Powell, Perry, Skinner, Tagert, Thompson, Vining, Weedon, Williams---29.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Carr, Clay, Craig, Dale, Edmondson, Montgomery, Murrell, Morton, McHenry, Philpott, Parham, Smith, Williamson---18.

Mr. Powell offered the following amendment to the same section, by way of rider, after the word "respectively:" "*Provided always*, That no assessor and collector shall be entitled to receive more than the taxes of the county may amount to;" which was adopted.

Mr. Powell moved to reconsider the vote on filling the blank in the thirteenth section, compensating the clerks of the county courts, for transcribing the tax list, with "thirty seven and a half cents;" which motion was carried.

The question then being taken on filling the said blank with "seventy-five;" it was decided in the negative---ayes 18, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Anderson, Dale, Elmore, Fitzpatrick, Graham, Holderness, Leake, Moore, Martin, Pickett, Philpott, Perry, Parham, Tagert, Vining, Weedon, Williams---18.

Those who voted in the negative, are

Mr. Speaker, Armstrong, Ayers, Bagby, Barclay, Beene, Carr, Clay, Craig, Duckworth, Edmondson, Greening, Hardwicke, Jones, Kennedy,

Montgomery, Magoffin, Murrell, Masterson, Miller, Morton, McHenry, Norwood, Powell, Skinner, Smith, Thompson, Williamson---28.

Mr. Allen moved to fill the said blank with "fifty cents," which was carried. Mr. Morton moved the following amendment by way of rider.

And be it further enacted. That if any clerk shall fail to pay the money arising from the tavern licences, by him is sued, two weeks before the time the collector is required to settle his accounts at the treasury, he shall forfeit and pay double the amount of the tavern licences by him collected to be recovered by the collector, before any court having jurisdiction thereof, and paid over by him to the state.

Which amendment was adopted.

The question then being put, shall this bill pass? It was decided in the affirmative---ayes 29; nays 16.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Bagby, Carr, Crenshaw, Dale, Duckworth, Elmore, Fleming, Greening, Graham, Hardwicke, Holderness, Jones, Kennedy, Magoffin, Miller, Moore, Morton, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Tagert, Thompson, Williams---29.

Those who voted in the negative, are

Messrs. Ayers, Barclay, Beene, Clay, Craig, Edmondson, Fitzpatrick, Leake, Montgomery, Murrell, Masterson, Martin, M'Henry, Vining, Weedon, Williamson---16.

Ordered, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill from the Senate to be entitled, an act to authorize Peter Ross to establish a toll-bridge across Big-Mulberry creek, between the counties of Dallas and Autauga, was read a first time, and *Ordered* to be read a second time tomorrow.

A bill to be entitled, an act concerning jurors and for other purposes, was read a third time; and the question being put, shall this bill pass? It was decided in the negative---ayes 19, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Barclay, Beene, Edmondson, Elmore, Fitzpatrick, Hardwicke, Kennedy, Leake, Murrell, Miller, Moore, Morton, Powell, Philpott, Perry, Smith, Thompson, Williams---19.

Those who voted in the negative, are

Mr. Speaker, Anderson, Carr, Clay, Crenshaw, Craig, Dale, Duckworth, Fleming, Greening, Graham, Holderness, Jones, Magoffin, Masterson, Martin, M'Henry, Norwood, Pickett, Parham, Skinner, Vining, Weedon, Williamson---24.

Bills of the following titles, to wit: An act to repeal in part and amend an act entitled, an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes; an act supplementary to an act entitled, an act for the relief of securities; were severally read a third time and passed; *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill from the Senate to be entitled, an act to establish a ferry and appoint commissioners to lay out a road therein named was read a first time; and on motion of Mr. Craig. *Ordered*, that the same be indefinitely postponed.

A bill to be entitled, an act to legitimate a certain person therein named, and for other purposes, was read a second time, and *Ordered* to be engrossed, for a third reading to morrow.

Bills from the Senate of the following titles, to wit: An act to establish the temporary seat of justice in the county of Decatur, and for other purposes; an act to incorporate the town of Belle-Fonte, in the county of Jackson; an act to provide for transcribing and transferring certain records, from Mobile to Baldwin county; and, an act to alter the time of holding the county courts in Franklin county; were severally read a first time; and *Ordered* to be read a second time, to morrow.

On motion to adjourn, it was decided in the negative---
ayes 14, nays 29.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Ayers, Barclay, Crenshaw, Fitzpatrick, Graham, Montgomery, Magoffin, Murrell, Morton, Powell, Perry, Smith, Weedon, Williams, Williamson—14.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Bagby, Beene, Carr, Clay, Craig, Dale, Duckworth, Edmondson, Elmore, Fleming, Hardwicke, Jones, Kennedy, Leake, Masterson, Miller, Moore, M'Henry, Norwood, Pickett, Philpott, Parham, Skinner, Tagert, Thompson, Vining—29.

A bill from the Senate to be entitled, an act to fix the seat of justice for Blount county, was read a third time.

Mr. Smith moved to postpone the further consideration of said bill indefinitely; which was lost. *Ordered*, that the said bill lie on the table.

The following bill and resolutions from the Senate, to wit:

A bill to be entitled, an act in relation on the Spanish records, in the county of Mobile;

Resolutions, making it the duty of Harry Toulmin and of the judges of the supreme and circuit courts of this State, to report to the general assembly, any defects or imperfections, which may exist in the statutes of this state; were severally read a second time, and ordered to be read a third time to morrow.

The House then adjourned till to morrow nine o'clock.

Saturday, December 8.

The House met pursuant to adjournment.

Mr. Weedon from the committee on inland navigation, to whom was referred so much of His Excellency's communication, as relates to connecting the waters of Tennessee and Holston rivers with those of Mobile---*Reported* a memorial thereon to the Congress of the United States---which was read a first time, and the rule being dispensed with, it was read a second time forthwith, and *Ordered* to be engrossed for a third reading on Monday.

Mr. Perry from the committee on enrolled bills---*Reported*, that the committee had examined the following bills:

An act to establish an academy in the town of Sparta, and for other purposes. and,

An act to incorporate the town of Vernon, in the county of Autauga; and find the same correctly enrolled.

On motion of Mr. Morton, the House resolved itself into a committee of the whole House, Mr. Morton in the chair, on the bill to be entitled an act to apportion the representatives among the several counties in this State, and divide the same into Senatorial districts, according to the late census; and after sometime spent therein, the committee rose, and Mr. Morton reported the bill without amendment.

Mr. Moore moved to amend the said bill by striking out all after the enacting clause, for the purpose of inserting the following:

"That representation shall be apportioned, according to the ratio of one Representative for every eighteen hundred and fifty white inhabitants; and it is hereby declared, that the several counties shall be entitled to elect Representatives in the following manner, to wit: Madison, six; Jackson and Decatur, three; Limestone, three; Morgan, two; Lawrence, 3; Lauderdale, 2; Franklin, 2; Blount, 1; Jefferson, two: Marion and that part of Pickens, taken from Marion, one; Tuscaloosa, and that part of Pickens taken

from Tuskaloosa, three; St. Clair, two; Shelby, one; Autauga, one; Bibb, one; Perry, two; Dallas, two; Montgomery, and that part of taken from Montgomery, two; Marengo, one; Baldwin, one; Mobile, one; Washington, one; Clark, one; Conecuh, and that part of Butler taken from Conecuh, two; Wilcox, one; Greene, two; Monroe, and that part of Butler taken from Monroe, three; Henry, and that part of Covington and Pike taken from Henry, one.

And be it further enacted, That Washington, Baldwin and Mobile, shall form one Senatorial district; Conecuh, Henry, and Covington, one; Monroe and Butler, one; Clark and Marengo, one; Dallas and Wilcox, one; Autauga, Montgomery, and Pike, one; Green and Perry, one; Tuskaloosa & Pickens, 1; Jefferson & Marion, 1; Blount and St. Clair, one; Morgan and Lawrence, one; Franklin and Lauderdale, one; Limestone, one; Madison, one; Jackson and Decatur, one: and, Shelby, and Bibb, one; and each district shall be entitled to elect one Senator: which amendment was adopted. Ayes 26, nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Ayers, Brown, Clay, Davis, Edmondson, Fleming, Hardwicke, Holderness, King, Leake, Murrell, Miller, Moore, Morton, Martin, McHenry, Powell, Philpott, Perry, Parham, Smith, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Anderson, Bagby, Beene, Carr, Crenshaw, Craig, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Norwood, Pickett, Skinner, Tagert, Thompson, Williamson.

Mr. Greening moved to postpone the further consideration of the said bill indefinitely. Mr. Greening asked for leave to withdraw said motion. And upon the question being put, shall leave be given to withdraw said motion? It was decided in the affirmative. Ayes 47, nays 7.

The yeas and nays being called for, those who voted in the affirmative are,

Mr. Speaker, Allen, Anderson, Ayers, Barclay, Beene, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, Leake, Montgomery, Magoffin, Masterson, Miller, Moore, Morton, McHenry, Martin, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson.

Those who voted in the negative, are

Messrs. Armstrong, Bagby, Brown, Edmondson, Fleming, King, Murrell.

Mr. Armstrong moved to reconsider the vote on Mr. Moore's amendment to said bill; which was carried.

The question was then again put on the adoption of Mr. Moore's amendment, and decided in the negative---ayes 26, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Ayers, Brown, Clay, Davis, Edmondson, Fleming, Hardwicke, Holderness, King, Leake, Murrell, Miller, Moore, Morton, Martin, M'Henry, Powell, Philpott, Perry, Parham, Smith, Vining, Weedon, Williams---26.

Those who voted in the negative, are

Mr. Speaker, Anderson, Bagby, Barclay, Beene, Carr, Crenshaw, Craig, Dabney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Norwood, Pickett, Skinner, Tagert, Thompson, Williamson---23.

Mr. Clay moved to lay the bill on the table till Monday next; which was decided in the affirmative---ayes 44, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Brown, Clay, Crenshaw, Dabney, Dale, Davis, Duckworth, Edmondson, Elmore, Fitzpatrick, Fleming, Graham, Hardwicke, Holderness, Hopkins, Jones, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, McHenry, Norwood, Powell, Philpott, Perry, Parham, Skinner, Smith, Thompson, Vining, Weedon, Williams---44.

Those who voted in the negative, are

Messrs. Beene, Carr, Craig, Evans, Greening, Kennedy, Montgomery, Pickett, Tagert, Williamson---10

Mr. Craig moved to reconsider the vote on yesterday postponing indefinitely the bill to be entitled, an act to establish a ferry and appoint commissioners to lay out a road therein named; which was carried.

The House, then, adjourned till three o'clock this day.

Evening Session.

The House met pursuant to adjournment.

An engrossed bill to be entitled, an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein mentioned, was read a third time and passed; *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

An engrossed bill to be entitled, an act for the punishment of malicious mischief, was read a third time; the question being put, shall this bill pass? It was decided in the affirmative---ayes 34, nays 5.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Ayers, Beene, Carr, Clay, Crenshaw, Craig, Davis, Duckworth, Edmondson, Evans, Elmore, Graham, Hardwicke, Hopkins, Jones, Kennedy, Magoffin, Murrell, Masterson, Miller, Morton, Norwood, Pickett, Powell, Philpott, Perry, Parlan, Skinner, Smith, Weedon, Williamson,—34.

Those who voted in the negative, are

Messrs. King, Leake, Martin, Vining, Williams—5.

Ordered, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate, by Mr. Lyon, informing this House, that they had read a third time and passed a bill, originating in this House, to be entitled an act respecting rents; to which they had made an amendment, in which they desire the concurrence of this House.

Also, that they had read a third time and passed bills of the following titles, to wit:

An act pointing out the mode of recovering debts by Physicians and other persons, for services rendered.

An act amendatory of an act to incorporate the town of Sparta, and for other purposes,—passed December third eighteen hundred and twenty-one.

An act for the relief of Henry V. Chamberlain.

An act to authorize the County Court of Butler county, to compensate the commissioners heretofore appointed to fix the seat of justice for said county, and for other purposes; and,

An act to appoint commissioners for certain counties therein named, and for other purposes.

In all of which they desire the concurrence of this House.

An engrossed bill to be entitled an act to amend an act entitled an act to reduce into one the several acts concerning strays—was read a third time. Mr. Philpott offered the following amendment, by way of rider:

Provided always, That the property of said stray shall not be vested in the taker up, until the one half of the appraised value shall be paid into the county Treasury, any law to the contrary notwithstanding—which was adopted. Mr. Craig moved to postpone the further consideration of said bill, indefinitely; which was lost. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

An engrossed bill to be entitled an act to legitimate a

a certain person therein named, and for other purposes,--- was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Resolutions instructing our Senators and Representative in Congress, in relation to the census of this State; were read a third time and passed. *Ordered*, that the same be sent to the Senate for their concurrence.

Resolutions from the Senate, making it the duty of Harry Toulmin, Esq. and of the Judges of the Supreme and Circuit courts of this State, to report to the General Assembly any defects or imperfections which may exist in the Statutes of this State,---were read the third time and passed. *Ordered*, that the Senate be acquainted therewith.

Resolutions and bills of the following titles, to wit:

An act in relation to the Spanish records in the county of Mobile;

Resolutions to request our Senators and Representative in Congress, to use their exertion to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cession of certain parts of their Territory. and,

An act supplementary to the several acts in relation to highways, bridges, and ferries; were severally read a third time and passed. *Ordered*, that the Senate be acquainted therewith.

Bills from the Senate of the following titles, to wit:

An act to incorporate the town of Belle-Fonte, in the county of Jackson;

An act to establish a ferry and appoint commissioners, to lay out a road therein named;

An act to authorize Peter Ross, to establish a toll bridge across Big-mulberry creek, between the counties of Dallas and Autauga.

Memorial to the Congress of the United States praying, that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed.

An act authorizing a lottery for the benefit of building an academy, in the town of Montgomery.

An act to establish the temporary seat of justice in the county of Decatur, and for other purposes.

An act more effectually to enforce the acts of the Gene-

ral Assembly of the 21st December, 1820, and of June 14th 1821, in relation to roads within this State,

An act supplementary to the several acts in relation to wills, intestates, and guardians.

An act providing for certain officers.

An act to incorporate the town of Demopolis, in Marengo county.

An act to authorize a lottery for the purpose of building a bridge over Prairie creek, in the county of Greene.

An act to amend the act to incorporate the city of Mobile---passed on the 17th December 1819.

An act to alter the time of holding the county courts, in the county of Franklin.

An act to provide for transcribing and transferring certain records from Mobile to Baldwin county; were severally read a second time, and *Ordered* to be read a third time on Monday next.

A message was received from His Excellency by Mr. Pleasants, secretary of state, informing this House, that he did on the seventh instant, approve and sign,

An act to establish a public road therein mentioned, and for other purposes;

An act to establish certain counties therein named, and for other purposes;

An act to establish an academy in the town of Sparta, and for other purposes;

An act to incorporate the town of Vernon in the county of Autauga; all of which originated in this House.

Ordered, that the House agree to the amendment made by the Senate to the bill to be entitled, an act respecting rents.

Bills from the Senate of the following titles, to wit:

An act pointing out the mode of recovering debts by Physicians and other persons, for services rendered;

An act to appoint commissioners for certain counties therein named, and for other purposes;

An act to authorize the county court of Butler county, to compensate the commissioners heretofore appointed to fix the seat of justice for said county, and for other purposes;

An act for the relief of Henry V. Chamberlain;

An act amendatory of an act to incorporate the town of Sparta, and for other purposes, passed December 3rd, 1821; were severally read a first time; and, *Ordered* to be read a second time on Monday next.

A bill from the Senate to be entitled, an act to establish certain election precincts therein named and for other pur-

poses, was read a second time and amended; and *Ordered*, to be engrossed for a third reading on Monday next.

Ordered, that a bill to be entitled, an act to establish additional election precincts therein named, lie on the table.

A bill to be entitled, an act to alter and amend the several acts now in force organizing the militia of this state, was read a second time.

Mr. Masterson offered the following amendment after the word "same" at the end of the first section:

And whenever the office of lieutenant colonel or major shall become vacated, there shall be a poll opened at the respective muster grounds of said battalion for the election of a lieutenant colonel, or major, as the case may be.

Which amendment was adopted.

Mr. Morton moved the following amendment:

Be it further enacted, That so much of an act entitled, an act to organize the militia of this state, passed the 20th December 1820, as allows to the assistant adjutant general and brigade major five dollars per day, as compensation for their services, be, and the same is hereby, repealed; which amendment was lost---ayes 17, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs Beene, Brown, Davis, Hardwicke, Holderness, Magoffin, Murrell, Masterson, Moore, Morton, Pickett, Philpott, Skinner, Vining, Weedon, Williams, Williamson---17.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Carr, Clay, Crenshaw, Edmondson, Evans, Elmore, Greening, Graham, Hopkins, Kennedy, Leake, Montgomery, Norwood, Smith, Thompson---22.

Mr. Weedon offered the following amendment:

And be it further enacted, that hereafter there shall be only two company musters in each year, the first in the month of April and the second in the month of October following. Which was adopted---ayes 35, nays 11.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Craig, Edmondson, Evans, Elmore, Fleming, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, Leake, Magoffin, Murrell, Miller, Moore, Morton, Martin, Pickett, Philpott, Perry, Skinner, Vining, Weedon, Williams, Williamson---35.

Those who voted in the negative, are,

Messrs Allen, Anderson, Crenshaw, Davis, Greening, Montgomery, Masterson, Norwood, Powell, Smith, Thompson---11.

Mr. Vining offered the following amendment:

And be it further enacted, That defaulters at battalion and regimental musters, shall be tried by their company court

martial, at their respective company muster grounds; which was adopted. *Ordered*, that the said bill be engrossed for a third reading on Monday next.

The House then adjourned till Monday morning 9 o'clock.

Monday, December 10, 1821.

Mr. Armstrong obtained leave for himself and the other members whose names are thereto subscribed, to enter the following reasons for their votes against giving Mr. Greening leave to withdraw his motion for the indefinite postponement of the bill to be entitled an act to apportion the representatives among the several counties of this State, and to divide the same into senatorial districts, according to the late census:

It would appear from the vote given by the undersigned members of this House, on the 8th instaut, founded on a motion to postpone indefinitely, the bill which originated in this House, to apportion the two branches of the legislature, that we were in favour of the motion to postpone, which was not the fact: we believed the motion an improper one, and one calculated to do no good whatever. After sometime had been spent in argument on the motion, the mover asked leave to withdraw his motion, which leave as will appear by our votes, we refused to grant, believing that if we compelled the question to postpone to be put, and the yeas and nays taken as were called for, it would be a lesson, that would in future prevent a similar loss of time, which we deemed spent unnecessarily; for if the motion to postpone had succeeded, the bill must have again originated in this House in obedience to the commands of the constitution.--- For these reasons alone, we voted against it. I have asked to withdraw.

F. W. Armstrong,

John Brown,

Wm. Edmondson,

Wm. Fleming,

Henry King,

Benjamin Murrell.

Mr. Moore from the committee to whom was referred that part of the message of the late acting Governor, as relates to the unsettled accounts between this State and the State of Mississippi, presented a report with the following resolution founded thereon; in which report the House concurred.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor of this State be, and he is hereby authorized to adjust and settle the accounts existing between this State and the State of Mississippi, in such manner and on such terms as in his judgment may be conformable to the intent and meaning of the act of Congress establishing a separate territorial government for the eastern part of the Mississippi territory---which resolution was read a first time, and Ordered to be read a second time to-morrow.

Mr. Greening from the select committee to whom was referred so much of His Excellency's message as relates to certain proceedings between the bank of the United States and certain officers of the State of Ohio, presented a report in which the House concurred, together with the following resolutions founded thereon :

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the legislature of the State of Ohio has exercised a constitutional right in taxing the offices of discount and deposit of the bank of the United States located in that State.

Resolved further, That His Excellency the Governor be requested to forward a copy of the foregoing report and resolution to the Governors of the different states, and to our senators and representative in Congress, which resolutions were read a first time, and Ordered to lie on the table.

On motion of Mr. Pickett, the House dispensed with the rule which forbids a reconsideration of a vote except on the same or succeeding day on which it was given.

The House then reconsidered the vote on the bill to be entitled an act concerning jurors, which was amended and passed. *Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.*

Bills from the Senate of the following titles to wit :

An act to establish certain election precincts therein named, and for other purposes ;

An act to establish a ferry and appoint commissioners to lay out a certain road therein named ;

An act to provide for transcribing and transferring certain records from Mobile to Baldwin county ;

An act to alter the time of holding the county courts in the county of Franklin ;

An act to amend the act to incorporate the city of Mobile, passed on the 17th December, 1819 ;

An act to authorize a lottery for building a bridge across Prairie creek, in the county of Greene; were severally read a third time and passed. *Ordered*, that the Senate be acquainted therewith.

The House then took into consideration the bill to be entitled, an act to apportion the representatives among the several counties of this state, and to divide the same into senatorial districts, according to the late census; the said bill being on its second reading.

Mr. Anderson moved to reconsider the last vote given on Saturday on the adoption of Mr. Moore's amendment; which was decided in the affirmative.

Mr. Moore moved to strike out all after the enacting clause, for the purpose of inserting the following amendment:

That representation shall be apportioned according to the ratio of one representative for every 1850 white inhabitants; and it is hereby declared, that the several counties shall be entitled to elect representatives in the following manner, to wit: Madison six, Jackson and Decatur three, Limestone three, Morgan two, Lawrence three, Lauderdale two, Franklin two, Blount one, Jefferson two, Marion, and that part of Pickens taken from Marion one, Tuskaloosa and that part of Pickens taken from Tuskaloosa three, St. Clair two, Shelby one, Autauga one, Bibb one, Perry two, Dallas and that part of Butler taken from Dallas two, Montgomery and that part of Pike taken from Montgomery two, Marengo one, Baldwin one, Mobile one, Washington one, Clark one, Conecuh and that part of Butler taken from Conecuh two, Wilcox one, Greene two, Monroe and that part of Butler taken from Monroe three, Henry and that part of Covington and Pike taken from Henry one.

And be it further enacted, That Washington, Mobile and Baldwin, shall form one senatorial district; Conecuh, Henry, Covington and Pike, one; Monroe and Butler, one; Clark and Marengo, one; Dallas and Wilcox, one; Autauga and Montgomery, one; Greene and Perry, one; Tuskaloosa and Pickens one; Jefferson and Marion, one; Blount & St. Clair, one; Morgan, one; Lawrence, one; Franklin and Lauderdale, one; Limestone, one; Madison, one; Jackson & Decatur, one; Shelby and Bibb, one; and each district shall be entitled to elect one Senator. The question being put on striking out, it was decided in the affirmative--yeas 28, nays 26.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Clay, Davis, Edmondson, Fleming, Hardwicke, Holderness, King, Leake, Murrell, Miller, Moore, Morton, Martin, McHenry, Powell, Philpott, Perry, Parham, Smith, Vining, Weedon, Williams—28.

Those who voted in the negative, are

Mr. Speaker, Bagby, Beene, Carr, Crenshaw, Craig, Dahney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Norwood, Pickett, Skinner, Tagert, Thompson, Williamson—26.

The question then being taken on the adoption of the first section of Mr. Moore's amendment, it was decided in the negative—ayes 27, nays 27.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Ayers, Barclay, Brown, Clay, Davis, Edmondson, Fleming, Hardwicke, Holderness, King, Leake, Murrell, Miller, Moore, Morton, Martin, McHenry, Powell, Philpott, Perry, Parham, Smith, Vining, Weedon, Williams—27.

Those who voted in the negative, are

Mr. Speaker, Anderson, Bagby, Beene, Carr, Crenshaw, Craig, Dahney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Norwood, Pickett, Skinner, Tagert, Thompson, Williamson—27.

Mr. Weedon made the following motion:

That the bill to apportion the Representatives among the several counties of this state, and to lay the same off into senatorial districts be recommitted to the same committee that reported it, with instructions to now model the bill in such a manner as not to exceed forty-six members in the representative branch and thirteen Senators.

Mr. Allen moved to amend the amendment by striking out all after the words "reported it," which was decided in the negative—yeas 4, nays 50.

The yeas and nays being called for, those who voted in the affirmative are,

Messrs. Allen, Ayers, Craig, McHenry.

Those who voted in the negative are,

Mr. Speaker, Anderson, Armstrong, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Dahney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams, Williamson.

The question was then taken on Mr. Weedon's motion, and decided in the negative. Ayes 26, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Anderson, Barclay, Beene, Brown, Clay, Davis, Ed-

Edmondson, Fleming, Hardwicke, Holderness, King, Leake, Murrell, Miller, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Vining, Weedon, Williams.

Those who voted in the negative are,

Mr. Speaker, Armstrong, Ayers, Bagby, Carr, Crenshaw, Craig, Dabney, Dale, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, McHenry, Norwood, Pickett, Smith, Tagert, Thompson, Williamson.

Mr. Armstrong moved to reconsider the vote on striking out all after the enacting clause---which was decided in the affirmative. The bill was then further amended; and Ordered to be engrossed for a third reading to-morrow.

The House then adjourned till half past three o'clock.

Evening Session.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined a bill to be entitled an act concerning rents, and find the same correctly enrolled.

The House then took into consideration a bill to be entitled an act to raise a revenue for the support of government for the year 1822; which was on its third reading. The question being taken on filling the blank in the third section, where it occurs in the following words: "for all free white males above the age of twenty, and not exceeding forty-five" with "one dollar." It was decided in the negative. Ayes 14, nays 39.

The yeas and nays being called for, those who voted in the affirmative, are:

Messrs. Anderson, Armstrong, Davis, Fleming, Leake, Montgomery, Moore, Martin, Norwood, Perry, Smith, Tagert, Thompson, Weedon.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, King, Magoffin, Murrell, Masterson, Miller, Morton, McHenry, Philpott, Pickett, Powell, Parham, Skinner, Vining, Williams, Williamson.

The question was then taken on filling the said blank with "seventy five cents," and decided in the negative. Ayes 17, nays 35.

The Yeas and Nays being called for, those who voted in the affirmative are,

Messrs. Anderson, Armstrong, Crenshaw, Craig, Leake, Montgomery, Masterson, Moore, Morton, Martin, McHenry, Norwood, Perry, Smith, Tagert, Thompson, Weedon.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Dabney, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kenne-

dy, King, Magoffin, Murrell, Miller, Pickett, Powell, Philpott, Parham, Skinner, Vining, Williams, Williamson.

The question was then taken on filling the said blank with "sixty-two and a half cents," and decided in the negative. Ayes 15---Nays 35.

The Yeas and Nays being called for, those who voted in the affirmative are,

Mr. Speaker, Anderson, Crenshaw, Craig, King, Montgomery, Masterson, Moore, Morton, Martin, McHenry, Norwood, Perry, Tagert, Thompson.

Those who voted in the negative, are

Messrs. Allen, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Dabney, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, Magoffin, Murrell, Miller, Pickett, Powell, Philpott, Parham, Skinner, Smith, Vining, Williams, Williamson.

The question was then taken on filling the said blank with "fifty cents," and decided in the affirmative. Ayes 35---Nays 16.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Bagby, Barclay, Beene, Clay, Crenshaw, Craig, Duckworth, Edmondson, Elmore, Greening, Hardwicke, Hopkins, Kennedy, King, Montgomery, Murrell, Masterson, Miller, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Thompson, Vining, Williams, Williamson.

Those who voted in the negative, are

Messrs. Anderson, Armstrong, Ayers, Brown, Carr, Dabney, Davis, Evans, Fitzpatrick, Graham, Holderness, Jones, Magoffin, Smith, Tagert, Weedon.

The question being taken on filling the blank in the same section where it occurs in the following manner, "for every horse kept exclusively for the saddle or pleasure carriage," with one dollar;---it was decided in the affirmative. Yeas 27---Nays 14.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Beene, Brown, Craig, Davis, Duckworth, Elmore, Fleming, Greening, Hardwicke, Holderness, Kennedy, King, Leake, Magoffin, Masterson, Miller, Moore, McHenry, Norwood, Powell, Philpott, Perry, Skinner, Tagert, Vining, Williams.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Barclay, Carr, Clay, Crenshaw, Dabney, Edmondson, Evans, Fitzpatrick, Graham, Hopkins, Jones, Montgomery, Murrell, Morton, Pickett, Parham, Smith, Thompson, Williamson.

Mr. Evans offered the following amendment by way of rider to the third section; "for every horse or mule kept for the plough or wagon, one dollar," which was decided in the negative. Ayes 5---Nays 48.

The ayes and nays being called for, those who voted in the affirmative, are

Messrs. Armstrong, Bagby, Evans, Graham, Smith.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Barclay, Beane, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Davis, Duckworth, Edmondson, Eubank, Fitzpatrick, Fleming, Greening, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magonlin, Murrell, Masters, Miller, Moore, Morton, Martin, McHenry, Norwood, Tackett, Toward, Thompson, Perry, Parham, Skinner, Tagert, Thompson, Vining, Weeden, Williams, Williamson.

Ordered, That said bill lie on the table.

A message was received from the Senate by Mr. Lynn, their secretary, informing this House that they concur in the amendment made by this House to the bill to be entitled an act supplementary to the several acts in relation to highways, bridges and ferries.

Also, that they had read a third time and passed, a bill to be entitled an act to incorporate the Murder Creek Navigation Company, in which they desire the concurrence of your honourable body.

The House then adjourned.

Tuesday, December 11, 1821.

The Speaker laid before the House the proceedings in a suit in equity in Franklin Circuit Court, between Sarah M. Bracken and James A. Bracken, for a divorce. *Ordered*, That the same be referred to the committee on divorce and alimony.

The Speaker laid before the House the report of John D. Terrell, who was appointed to examine the Buttahatche river, from the point at which the military road crosses it, to the State line. *Ordered*, That the said report be referred to the committee on inland navigation.

Mr. Armstrong from the military committee to whom was referred the communication of His Excellency the Governor, in relation to the militia laws of this State, reported, that they have had the first subject referred to in his message under consideration, previously to the reception of that communication, and were of opinion, that there was no necessity for any alteration in the existing laws for detaching courts martial, for the trial of contested elections. Your committee cannot believe, that the officers detailed for that purpose could so far forget the duty they owed themselves, as honourable men, independently of the solemn oath which they are compelled to take, as to permit their prejudices to give an improper bias to their deliberations. This objec-

tion, if it can be viewed as one at all, is not sufficient to counterbalance another, which would most assuredly arise, if the officers were to be detailed from another division.--- The distance of their places of residence from the place where the court martial might assemble, would be so great as to impose an unnecessary burthen of duty on the officers to attend those courts, particularly so, when it is recollected, that no compensation is allowed for such services. They therefore recommend, that the present law should not be altered. His Excellency urges in his message as an argument in favour of an alteration of the existing laws, that should any illegality or other proper cause, render a new court necessary, it would be impossible to detail another court martial of officers of high rank. The case supposed by His Excellency could never happen, because the Executive himself is the officer whose duty it is to detail, through his organ, the adjutant general, the court martial; and it is not to be presumed, that he would detail a court illegally, and then make that illegality of detail a reason for setting the proceedings of the court aside; neither is it believed by your committee, that any other cause can happen, as His Excellency supposes, why the proceedings of the court martial should be set aside; because no clause of the militia law of this State gives the Executive the power to control or revise the proceedings of the court martial in any manner whatsoever.

As respects so much of His Excellency's message as relates to the secrecy imposed on officers composing general courts martial, your committee believe that secrecy in certain parts of those courts is necessary to the order and good government of the same.

The position which His Excellency lays down, that the 38th section of the militia law, passed in December 1820, subjecting the militia of this State, to the government of the rules and articles of war, for the armies of the United States, when called into service, is not applicable to courts martial assembled for the trial of contested elections; if it was, the officers composing it would be entitled to the same pay and emoluments as are allowed to the officers of the United States' army.

In regard to that part of His Excellency's communication, which recommends an annual review of all the regiments in the State, by the adjutant general, your committee are of opinion, that although such a course might ensure a more

uniform system of discipline, and a better organization of the militia, yet as the salary of that officer would necessarily have to be raised to a considerable sum, we deem it inexpedient at this time, under the embarrassed state of our finances, to incur the additional expense.

F. W. ARMSTRONG, *Chairman*

Ordered, That the House concur in said report.

Mr. Williams from the committee of ways and means, obtained leave to introduce a bill to be entitled an act to make appropriations for the year 1822; which was read a first time, and *Ordered* to be read a second time to-morrow.

The House took into consideration, the bill to be entitled an act to apportion Representatives among the several counties of this State, and to divide the same into Senatorial districts, according to the late census; which was read a third time and passed.

Mr. Moore moved, that the title be amended by adding after the word "census," the following: "at a ratio of seventeen hundred and thirty, for the representative branch;" which was carried. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled an act to form a sixth judicial circuit, and for other purposes therein named, was read a third time, amended, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they disagree to so much of the sixth additional section proposed by this House as an amendment to the bill entitled an act to establish certain election precincts therein named, and for other purposes, so establishes an additional election precinct at the house of George Roberts, in Blount county.

Also, that they had read a third time and passed, an act authorizing Abraham Skidmore and others, to sell certain real estate; in which they desire the concurrence of this House. *Ordered*, that the House concur in the disagreement of the Senate to the bill to be entitled an act to establish certain election precincts therein named.

The House then took up the bill to be entitled an act to raise a revenue for the support of government for the year 1822,--the blanks being under consideration. The question being put on filling the blank in relation to billiard ta-

bles, in the third section, where it occurs in this line:---
 "for every billiard table kept for play, dollars;"
 with "one thousand."

The yeas and nays being called for, it was decided in the negative. Ayes 8, nays 44.

Those who voted in the affirmative, are,
 Messrs. Clay, Duckworth, Murrell, Morton, Martin, Skinner, Tagert, Williamson

Those who voted in the negative are,
 Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Crenshaw, Craig, Dabney, Davis, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Masterson, Miller, Moore, McHenry, Norwood, Pickett, Philpott, Perry, Parham, Smith, Thompson, Vining, Weedon, Williams.

Mr. Moore moved to fill the said blank with "two hundred; which was lost. The blank was then filled with "one hundred dollars."

Mr. Davis moved to reconsider the vote on filling the blank in the third section, in relation to billiard tables, where it occurs in this line: "for every billiard table kept for play, dollars," with "one hundred;" which was decided in the negative.

The question being taken on filling the blank in the 4th section, where it occurs in this manner: "on every retailer of spiritous liquors in the country, or on the road or highways, without keeping accommodations for man and beast, dollars;" with "ten." It was decided in the negative. Ayes 19, nays 34.

The yeas and nays being called for, those who voted in the affirmative are,

Messrs. Bagby, Crenshaw, Davis, Evans, Elmore, Greening, Holderness, Montgomery, Magoffin, Murrell, Moore, Martin, Norwood, Powell, Perry, Parham, Smith, Thompson, Williams

Those who voted in the negative are,
 Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Barclay, Beene, Brown, Carr, Clay, Craig, Dabney, Duckworth, Edmondson, Fitzpatrick, Fleming, Graham, Hardwicke, Hopkins, Jones, Kennedy, King, Leake, Masterson, Miller, Morton, McHenry, Pickett, Philpott, Skinner, Tagert, Vining, Weedon, Williamson.

Mr. Armstrong offered the following amendment, by way of rider:

And be it further enacted, that Samuel Dale and his associates be, and the same are hereby, exonerated and discharged from all liability, for the sum of two hundred and ninety-nine dollars, and four and one fourth cents, being the balance due by the said Samuel Dale, as collector of taxes

for Monroe county for the year one thousand eight hundred and seventeen; which was adopted.

Mr. Tagert offered the following amendment, by way of rider:

"Provided, that the gross amount of compensation to the member, or members of the legislature from any county, shall not exceed the amount of the taxes assessed in such county." Which was decided in the negative---yeas 3, nays 48.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Moore, Tagert, Weedon---3.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Fleming, Greening, Graham, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Magoffin, Murrell, Masterson, Miller, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Smith, Thompson, Vining, Williams, Williamson---48.

The House then adjourned.

Wednesday, December 12.

A bill to be entitled, an act to repeal in part and amend an act entitled, an act to reduce into one the several acts concerning roads, bridges and highways, was read a second time. Ordered, that the said bill be committed to a committee of the whole House, and be made the order for this evening.

A bill to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, was read a third time.

Mr. Martin offered an amendment by way of rider making it felony and a disqualification for any office in the state, for any president, director, cashier or other officer of this bank, to embezzle or convert to his own use any sum of money, bank note, bill of exchange, check, bond, or other security or facility placed under his care or management by virtue of his office or place aforesaid; which was adopted.

Mr. Weedon offered the following amendment, by way of rider:

Provided, that nothing in this act shall be so construed as to prevent the general assembly from changing the location

of the mother bank, when the same may become necessary for its better management.

Mr. Williamson moved to amend said amendment, by inserting after the word "assembly" these words, "with the consent of the directors;" which was adopted.

Mr. Crenshaw moved to amend the amendment, further by adding the following proviso: *Provided also*, should such removal take place, the legislature shall give to the place from which the mother bank may be removed, a branch which was adopted. The question was then taken on the amendment thus amended, and lost. The question being put shall this bill pass? It was decided in the affirmative---yeas 38, nays 14.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Brown, Carr, Clay, Crenshaw, Dabney, Davis, Duckworth, Elmore, Fitzpatrick, Fleming, Hardwicke, Holderness, Hopkins, Jones, King, Leake, Murrell, Masterson, Moore, Morton, Martin, Pickett, Powell, Philpott, Perry, Parham, Smith, Thompson, Vining, Weedon, Williams, Williamson---38.

Those who voted in the negative, are

Messrs. Anderson, Beene, Craig, Edmondson, Evans, Greening, Kennedy, Montgomery, Magoffin, Miller, M^r. Henry, Norwood, Skinner, Tagert---14.

Ordered, that the words "a bill to be entitled" be stricken out of said bill. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr. Lyon their secretary, informing this House, that they have read a third time and passed,

An act to repeal in part and amend an act to constitute a Court of Oyer and Terminer for the trial of slaves, and for other purposes; which they have amended in sundry places, and in which amendments, they desire the concurrence of this House.

Also, that they had read a third time and passed, An act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named---which originated in this House.

Also, that they had read a third time and passed, An act to amend the several acts regulating the proceedings in the courts of law in this State; and

An act for the relief of Thomas Eastin.

In both of which they desire the concurrence of this House.

The House then adjourned till 3 o'clock.

Evening Session.

A bill from the Senate, to be entitled an act to establish the temporary seat of justice in the county of Decatur, and for other purposes, was read a third time, amended, and passed. *Ordered*, That the Senate be acquainted therewith.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled an act to repeal in part and amend an act entitled an act to constitute a Court of Oyer and Terminer for the trial of slaves, and for other purposes.

Memorial to congress on the subject of connecting the waters of the Tennessee with those of the Alabama, was read a third time and passed. *Ordered*, That the same be sent to the Senate.

A bill to be entitled an act to alter and amend the several acts now in force organizing the militia of this State, was read a third time and passed. *Ordered*, That the same be sent to the Senate.

A bill from the Senate to be entitled an act authorizing the sale of college lands, and for other purposes, was read a second time. *Ordered*, That the same lie on the table.

A message was received from the Senate by Mr. Lyon their secretary, informing this House, that they had read a third time and passed the following bills--which originated in this House, to wit:

An act to legitimate a certain person therein named, and for other purposes; and,

An act to form a sixth judicial circuit, and for other purposes therein mentioned; which latter they have amended by adding a section thereto, in which they desire the concurrence of this House.

Also, that they had read a third time and passed the following:

Resolutions in relation to the road from Uchee bridge to Line creek.

Resolutions in relation to the lands adjoining the town of Cahawba; and,

An act prescribing the mode by which a jury shall be drawn for the first Circuit Court of Pickens county. In all of which they desire the concurrence of this House.

Mr. Moore moved to reconsider the vote on concurring

with the amendments made by the Senate, to the bill to be entitled an act to repeal in part and amend an act entitled an act to constitute a Court of Oyer and Terminer for the trial of slaves, and for other purposes; which was carried.

Mr. Moore then moved, that the House disagree to the said amendments--which was decided in the negative.--
Ayes 19--Nays 25.

The ayes and nays being called for, those who voted in the affirmative, are

Messrs. Brown, Edmondson, Greening, Holderness, Leake, Montgomery, Magoffin, Moore, Morton, Martin, McHenry, Powell, Philpott, Perry, Smith, Vining, Weedon, Williams, Williamson.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Bagby, Barclay Carr, Crenshaw, Craig, Davis, Duckworth, Evans, Elmore, Fleming, Graham, Hardwicke, Hopkins, Jones, Kennedy, Murrell, Masterson, Norwood, Pickett, Parham, Skinner, Thompson.

Ordered, That the House concur in the amendments made by the Senate to the bill to be entitled an act to form a sixth judicial circuit, and for other purposes therein mentioned.

A bill to be entitled an act to regulate proceedings in chancery suits--was read a second time, and committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Pickett from the committee on divorce and alimony to whom were referred the proceedings in a suit in Equity in the Circuit Court of Franklin county, between Sarah M. Bracken and James A. Bracken for a divorce, reported a bill to be entitled, an act to divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of a decree of the Circuit Court of Franklin county, exercising chancery jurisdiction, and for other purposes--which was read a first time.

And the rule being dispensed with, it was read a second time forthwith, and ordered to be read a third time to-morrow.

Bills from the Senate of the following titles, to wit: An act prescribing the mode by which a Jury shall be drawn for the circuit court for Pickens county; and, an act authorizing Abraham Skidmore and others, to sell certain real estate the former was read a first time; and the rule being dispensed with, it was read a second time forthwith, and Ordered for a third reading to-morrow.

The latter was read a first time, and ordered for a second reading on to-morrow.

Mr. Weedon moved to suspend the rule, which prohibi

ed the introduction of new business after Monday the 3rd instant; which was carried.

Mr. Weedon then introduced a bill to be entitled, an act for the relief of Col. Samuel Dale; which was read a first time; and the rule being dispensed with, it was read a second time forthwith, and ordered for a third reading on to morrow.

Bills and resolutions from the Senate of the following titles, to wit: An act to amend the several acts regulating the proceedings in the courts of law and equity, in this state; an act for the relief of Thomas Easting; resolutions in relation to the lands adjoining the town of Cahawba; resolutions in relation to the road from Uchee bridge to Line creek; were severally read a first time, and ordered for a second reading on to morrow.

A bill to be entitled, an act declaring the Conecuh and Sepulgarh rivers navigable streams, was read a second time; and the rule being dispensed, it was read a third time forthwith.

Mr. Armstrong moved to suspend the rule, prohibiting any thing irrelevant to the matter contained in the bill; which was carried.

Mr. Armstrong then introduced the following amendment by way of rider:

And be it further enacted, that Henry Gunnison, Thomas L. Hallett, Thomas Richardson, Elias Pledger, and their associates, are hereby constituted and appointed a body corporate by the name and style of *The Navigation Steam Boat Company*; and they are hereby vested with all rights and privileges, and subject to the same restrictions which are granted and imposed in an act to incorporate the Mobile Steam Boat Company, passed on the 27th November, 1821; which was adopted. The bill was then passed.

Ordered, that the title be amended, by striking out the words "a bill to entitled" and "navigable streams," and inserting the words "public highways," and by adding the words, "and for other purposes."

Ordered, that the same be sent to the Senate for their concurrence.

Ordered, that Mr. Evans have leave of absence for the balance of the session.

A bill to be entitled, an act to abolish the fictitious proceedings in actions of ejectment, and for other purposes therein mentioned, was read a second time; *Ordered*, that the same be read a third time to morrow.

A bill from the Senate to be entitled, an act to establish the seat of justice for Blount county, was taken up.

Mr. Smith moved to indefinitely postpone the said bill; which was decided in the negative---ayes 14, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Beene, Brown, Craig, Davis, Elmore, Graham, Masterson, M'Henry, Norwood, Skinner, Smith, Williams, Williamson---14.

Those who voted in the negative, are

Mr. Speaker, Ayers, Bagby, Clay, Dabney, Duckworth, Evans, Fleming, Greening, Holderness, Jones, Kennedy, King, Leake, Magoffin, Murrell, Miller, Moore, Norton, Pickett, Philpott, Tagert, Thompson, Vining---24.

The bill being amended was read a third time and passed.

Ordered, that the same be sent to the Senate.

A bill to be entitled, an act to make appropriations for the year 1822---was read a second time---*Ordered* to lie on the table.

Bills from the Senate of the following titles, to wit: An act to incorporate the town of Demopolis in Marengo county; an act providing for certain officers; an act more effectually to enforce the acts of the general assembly of the 21st December, 1820, and of June 14th, 1821, in relation to roads within this state; an act authorizing a lottery for the benefit of building an academy in the town of Montgomery; an act to authorize Peter Ross to establish a toll bridge across Big-Mulberry creek, between the counties of Dallas and Autauga; and, an act to incorporate the town of Belle Fontc in the county of Jackson; were severally read a third time and passed; *Ordered*, that the same be sent to the Senate.

A memorial from the Senate, to the Congress of the United States, praying, that the restrictions imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed-- was read a third time and passed. *Ordered*, That the same be sent to the Senate.

Mr. Bagby offered the following resolution, which was adopted. *Resolved*, That a message be sent to the Senate informing them that this House will be ready at the hour of seven o'clock, on to-morrow, P. M. to proceed to the election of a Judge and Senator for the sixth Judicial Circuit,

and Judges of the County Courts in such counties where vacancies exist, to request their attendance in the Representative chamber for that purpose.

Bills from the Senate of the following titles, to wit:

An act for the relief of Henry V. Chamberlain;

An act to authorize the County Court of Butler county, to compensate the commissioners heretofore appointed to fix the seat of justice for said county, and for other purposes; were severally read a second time. *Ordered*, That the same be read a third time to-morrow.

A bill from the Senate to be entitled an act to appoint certain commissioners therein named, and for other purposes---was read a second time, amended, and *Ordered* to be read a third time to-morrow.

A bill from the Senate to be entitled an act providing for the mode of recovering debts by physicians and other persons, for services rendered, was indefinitely postponed.

A bill from the Senate to be entitled an act to incorporate the Murder Creek Navigation Company, was read a first time, and *Ordered* to be read a second time to-morrow.

The House then adjourned.

Thursday, Dec. 13.

The House met pursuant to adjournment.

An engrossed bill to be entitled an act to divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of a decree of the Circuit Court of Franklin county, exercising chancery jurisdiction; Mr. Williams moved to strike out the second section of said bill---which was lost.

Mr. Moore moved to reconsider the vote on Mr. Williams' motion---which was carried. Mr. Moore then moved to strike out the second section of said bill---which was carried. The bill was then read a third time and passed....

Ayes 43---Nays 1.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Banta, Brown, Carr, Clay, Craig, Debus, Dunn, Edmunds, Evans, Fitzgerald, Fleming, Gorman, Hendricks, Jones, Kennedy, King, Lusk, Magallon, Merrill, Newman, Miller, Moore, Martin, Smith, Sullivan, Stewart, Patton, French, Edwards, Perry, Thomas, Smith, Tipton, Thompson, Vining, Wadsworth, Williams, Williamson.

Mr. Evans voted in the negative.

Ordered, That the words "a bill to be entitled" be struck.

en out. *Ordered*, That the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr. Lyon, informing this House, that the Senate concur in the amendments made by this House to the bill to be entitled an act to establish the temporary seat of justice in the county of De-catur, and for other purposes.

Also, that they had read a third time and passed, A bill to be entitled an act declaring the Conecuh and Sepulgah rivers public highways, and for other purposes---which originated in this House ;

Also, that they had read a third time and passed, A bill to be entitled an act supplementary to an act entitled an act for the relief of securities---which also originated in this House.

Also, that they had read a third time and passed bills of the following titles, to wit :

An act to appoint commissioners to contract for, and superintend the erection of, the public buildings in the county of Wilcox ;

An act to repeal so much of the third section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba on the 15th day of June, 1821, as is herein specified ; and,

An act amendatory to the several laws now in force for the relief of insolvent debtors ; in which they desire the concurrence of this House.

Mr. Perry from the committee on enrolled bills, *Reported*, that said committee had examined bills of the following titles, to wit: An act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named; an act to repeal in part and amend an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes; an act to form a sixth judicial circuit, and for other purposes; and, an act declaring the Conecuh and Sepulgah rivers, public highways, and for other purposes; all of which they find truly enrolled.

Mr. Morton moved to suspend the resolution, prohibiting the introduction of new business into this House, after Monday the 3rd instant; which was carried.

Mr. Morton then obtained leave to introduce a bill to be entitled, an act prescribing the manner of changing the

vente in criminal cases, and for other purposes; which was read a first time; and the rule being dispensed with, it was read a second time forthwith, and *Ordered* to be read a third time to morrow.

The House then took into consideration, the bill to be entitled, an act to repeal in part and amend an act entitled, an act to regulate the proceedings in the courts of law and equity in this state, passed on the 14th day of June last.

Mr. Clay offered an amendment making it the duty of the judges and commissioners to hold four courts annually, for county business---which was decided in the affirmative.

Mr. Moore offered an amendment, giving the control over the county treasury to the judges and the commissioners of the county courts, or a majority of them---which was adopted.

Mr. Perry offered the following amendment:

And be it further enacted, That the several judges of the county courts of this state, shall hereafter have power to grant writs of *certiorari* and *supersedeas* in the same manner, as the judges of the circuit courts now exercise that power.

Mr. Craig offered the following amendment to said amendment: *Provided*, no writ of *certiorari* shall issue in any case, where judgment has been confessed, or stay of execution be taken---which was adopted. The question was then taken on the adoption of Mr. Perry's amendment thus amended, and decided in the negative---ayes 16, nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Ayers, Davis, Duckworth, Elmore, Fitzpatrick, Graham, Jones, King, Morton, M'Henry, Philpott, Perry, Parham, Smith, Vining, Williams---16.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Armstrong, Beene, Carr, Clay, Dabney, Edmondson, Evans, Flening, Hardwicke, Holderness, Kennedy, Montgomery, Murrell, Masterson, Moore, Martin, Skinner, Thompson, Crenshaw, Craig, Weedon, Williamson---25.

Ordered, That the said bill be engrossed for a third reading to morrow.

A bill to be entitled, an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned, was read a third time and passed. *Ordered*, that the

title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

A bill from the Senate to be entitled, an act to repeal so much of the third section of an act to reduce the expenses of the general assembly and for other purposes, passed at Cahawba, on the 15th day of June, 1821, as is hereinafter specified, was read a first time; and the rule being dispensed with, it was read a second time, and ordered to be read a third time to morrow.

Mr. Williamson moved to reconsider the vote on ordering the said bill to a third reading to morrow; which was carried; the rule being dispensed with, the bill was then read a third time and passed. *Ordered*, that the Senate be acquainted therewith.

A bill from the Senate to be entitled, an act for the relief of Michael J. Kenan; was read a first time, and ordered to be read a second time to morrow.

A bill from the Senate to be entitled, an act to appoint commissioners to contract for, and superintend the erection of, the public buildings in the county of Wilcox, was read a first time.

And the rule being successively dispensed with, it was read a second and third times forthwith and passed.

Ordered, that the Senate be acquainted therewith.

A bill from the Senate to be entitled, an act amendatory to the several laws now in force for the relief of insolvent debtors, was read a first time, and ordered for a second reading on to morrow.

Bills from the Senate of the following titles, to wit:

An act to incorporate the town of Sparta, and for other purposes, passed December, 3rd, 1821;

An act to authorize the county court of Butler county, to compensate the commissioners heretofore appointed to fix the seat of justice for said county, and for other purposes;

And, an act for the relief of H. V. Chamberlain; were severally read a third time and passed.

The House resolved itself into a committee of the whole, on the bill to be entitled an act supplementary to an act to establish a State University, Mr. Armstrong in the chair; after sometime spent therein, the committee rose, and Mr. Armstrong reported the said bill with sundry amendments. *Ordered*, that the House concur in said report,

Mr. Greening offered an amendment, establishing a female institution; which was adopted.

Mr. Clay then moved to lay said bill on the table; which was lost. Ayes 22, nays 22.

The ayes and nays being called for, those who voted in the affirmative are,

Messrs. Anderson, Armstrong, Beene, Clay, Davis, Evans, Fleming, Holderness, King, Leake, Murrell, Miller, Moore, Martin, McHenry, Powell, Philpott, Skinner, Smith, Vining, Weedon, Williams.

Those who voted in the negative are,

Mr. Speaker, Ayers, Barclay, Brown, Craig, Dabney, Duckworth, Edmondson, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Jones, Kennedy, Masterson, Morton, Pickett, Parham, Tagert, Thompson, Williamson.

Mr. moved that said bill lie on the table, which was carried.

Evening Session.

A bill from the Senate to be entitled an act to appoint commissioners for certain counties therein named, and for other purposes, was read a third time and passed. *Ordered*, that the Senate be acquainted therewith.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House that they have concurred in the resolution of this House, proposing to go into the election of a Judge and Solicitor for the sixth judicial circuit, and Judges of the county courts to supply such vacancies as now exist, this evening at seven o'clock.

Also, that they had read a third time and passed a bill to be entitled an act to provide for assessing and collecting the taxes of this State,--to which they have made sundry amendments, in which they desire the concurrence of this House.

Also, that they had read a third time and passed, an act to alter the boundaries of Bibb and Perry counties.

And, a resolution granting to David White and his associates, the exclusive right and privilege of fishing in the Alabama river near Cahawba, under conditions therein mentioned; in which they desire the concurrence of this House.

Ordered, that the House disagree to the amendments made by the Senate, to the bill to be entitled an act to provide

for assessing and collecting the taxes of this State, in the fourth section and eleventh line, by striking out the word "last" and inserting in lieu thereof "first;" and by striking out in the same line, the word "December" & inserting "March." *Ordered*, that the House disagree to the amendment made by the Senate, to the eighth section of said bill, by striking out the word "third," and inserting "second;" and also, by striking out "November," and inserting "December." *Ordered*, that the House concur in the rest of the amendments.

Mr. Moore moved to reconsider the vote on agreeing to the amendment made by the Senate to the eighth section of said bill, which amendment is in these words:

"The assessor and collector in every county, appointed under this act, shall be entitled to receive at the rate of twenty five per cent. on the first \$400 collected, and in proportion for a smaller sum; at the rate of twelve per centum, on all sums over \$400, and not exceeding \$1000; at the rate of seven per cent. on all sums over \$1000, and not exceeding \$2000; at the rate of six per cent. on all sums over \$2000, and not exceeding \$3000; at the rate of three per centum, on all sums over \$3000;" which was decided in the affirmative.

Mr. Moore then moved to amend the amendment by adding the following proviso: "*Provided*, That the tax collector shall retain the per cent. allowed to the sums respectively, for all amounts collected;" which was adopted.

A message was received from His Excellency the Governor, informing this House, that he did on the 12th instant, approve and sign,

An act respecting rents. And on this day, An act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named;

An act to legitimate a certain person therein named, and for other purposes;

An act to repeal in part, and amend an act to constitute a Court of Oyer and Terminer, for the trial of slaves, and for other purposes; and,

An act to form a sixth judicial circuit; all of which originated in this House.

A bill from the Senate to be entitled an act to alter the

boundaries of Bibb and Perry counties---was read a second time, and *Ordered* to be read a third time to-morrow.

A resolution from the Senate, granting to David White and his associates, the exclusive right and privilege of fishing in the Alabama river near Cahawba, under conditions therein mentioned, was read a first time, and *Ordered* to be indefinitely postponed.

Bills and resolutions from the Senate of the following titles, to wit :

An act to amend the several acts regulating the proceedings in the courts of law and equity in this State ;

Resolutions, in relation to the lands adjoining the town of Cahawba ;

Resolution, in relation to the road from Uchee bridge to Line creek ;

An act authorizing Abraham Skidmore and others, to sell certain real estate---were severally read a second time, and *Ordered* to be read a third time to-morrow.

Bills from the Senate of the following titles, to wit :

An act prescribing the mode by which a jury shall be drawn for the first Circuit Court for Pickens county ;

An act to incorporate the Murder Creek Navigation company---were severally read a third time and passed.---

Ordered that the Senate be acquainted therewith.

A bill from the Senate to be entitled an act for the relief of Thomas Eastin, was read a second time, and *Ordered* to be read a third time to-morrow.

A bill to be entitled an act to authorize the Judge of the County Court, and the commissioners of the roads and revenue of Butler county, to levy an extra tax, was read a second time, and *Ordered* to lie on the table.

A bill to be entitled an act to establish a certain county therein named, was read a second time. Mr. Williamson offered the following amendment :

And be it further enacted, That all that tract of country hereinafter described, being parts of the counties of Montgomery, Dallas and Autauga, bounded as follows : beginning at the northeast corner of township eleven, in range fifteen ; thence north along the line dividing ranges fifteen and sixteen, to the Alabama river ; thence down the said river to the range line dividing thirteen and fourteen ; thence north along said range line to the township line dividing the eighth

teenth and nineteenth townships; thence west along said line to the north eastern corner of township eighteen, in range eleven; thence south along the line dividing ranges eleven and twelve, to the line dividing townships eleven and twelve; thence east along the said line to the beginning; which said section of country shall form a county, to be called and known by the name of _____; which was decided in the negative. Ayes 6---Nays 38.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Dabney, Fitzpatrick, Hardwicke, Leake, Morton, Williamson.

Those who voted in the negative are,

Mr. Speaker Allen, Anderson, Ayers, Beene, Brown, Carr, Crenshaw, Craig, Davis, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Jones, Kennedy, King, Magoffin, Murrell, Masterson, Miller, Moore, Martin, McHenry, Norwood, Powell, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon, Williams.

Mr. Perry moved to strike out all of said bill, after the enacting clause---which was carried. *Ordered*, That the said bill lie on the table.

A bill to be entitled an act for the relief of Col. Samuel Dale, was read a third time and amended. Mr. Greening moved, that the following be the title of the said bill: "An act expressing the gratitude of the State of Alabama, for the services rendered by Samuel Dale to this State"---which was adopted. The bill was then passed. Ayes 26---Nays 17.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Bagby, Beene, Brown, Carr, Clay, Crenshaw, Dabney, Duckworth, Evans, Fitzpatrick, Greening, Graham, Kennedy, Montgomery, Magoffin, Martin, Pickett, Philpott, Parham, Smith, Tagert, Thompson, Weedon.

Those who voted in the negative, are

Messrs. Anderson, Craig, Davis, Edmondson, Elmore, King, Leake, Murrell, Masterson, Miller, McHenry, Norwood, Powell, Perry, Skinner, Vining, Williamson.

Ordered, That the said bill be sent to the Senate for their concurrence.

On motion of Mr. Clay, *Resolved*, That a committee be appointed to wait on His Excellency the Governor, and request him to communicate to this House, such information as he may be in possession of, in regard to the loan as authorized to be obtained from one of the specie paying banks of this State.

The House then adjourned till 7 o'clock this evening.

Mr. Williamson handed in the following statement to the clerk:

Involved as the undersigned was, between inclination and duty upon the passage of the bill making provision for Col. Samuel Dale, whose meritorious services entitle him, not only to my respect as an individual, but his claim was still greater upon me as a public functionary, though in a limited sphere; and whilst I admire and approve of the grateful feelings expressed by this honourable body, towards a good man, who has sacrificed his all to turn the tomahawk and scalping knife from helpless and unoffending innocence, it will always be a source of serious regret to me, that conscientious scruples induced me to dissent from the majority with whom I earnestly desired to vote. Entertaining, therefore, as I do, a sincere regard for his person, which is heightened when connected with the recollection of his meritorious services upon sundry occasions, in the defence of his country, a just regard to the reputation of Col. Dale, as well as my own, induces me, under a solemn appeal to the supreme ruler of the Universe, to declare, that the only motive governing my vote upon that occasion was a doubt of the constitutionality of the measure, and not the want of his merit.

PETER WILLIAMSON.

Mr. Graham offered the following resolution: *Resolved*, That the Senate be informed, that this House is ready to receive them, for the purpose of going into the election of a Judge and Solicitor of the sixth judicial circuit and Judges of the County Courts, of such counties where vacancies exist--which was adopted. Whereupon, Messrs. Graham and Perry were appointed to acquaint the Senate therewith.

Mr. Moore from the committee on claims, reported a bill to be entitled an act to make appropriations for the payment of certain claims against the State; which was read a first time, and *Ordered* to be read a second time to-morrow.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of a Judge of the 6th judicial circuit. Anderson Crenshaw, John Edmondson and Marmaduke Williams being in nomination, the votes stood thus:

For Mr. Crenshaw 32—For Mr. Williams 18—For Mr. Edmondson 15.

Those who voted for Mr. Crenshaw, are

Messrs. Casey, Chambers, Davis, Devereux, Elliott, Gause, Lucas, May, Wingate, (of the Senate.) Mr. Speaker, Anderson, Armstrong, Bagby, Carr, Clay, Craig, Dale, Davis, Duckworth, Evans, Elmore, Greening, Graham, Kennedy, Leake, Moore, Morton, Martin, McHenry, Norwood, Tagert, Thompson (of the H. of Rep.)

Those who voted for Mr. Williams, are

Mr. President, Conner, Dennis, Hanby, (of the Senate.) Allen, Ayers, Barclay, Beene, Brown, Hardwicke, Jones, King, Magoffin, Perry, Skinner, Smith, Vining, Weedon.

Those who voted for Mr. Edmondson are,

Messrs. Garth, Lanier, Rose, Trotter, Ware, (of the Senate.) Dabney, Edmondson, Fitzpatrick, Holderness, Murrell, Masterson, Pickett, Philpott, Parham, Williamson.

Neither of the candidates having a majority of all the members present, the Speaker declared there was no election. The two Houses then proceeded to ballot a second time for a Judge of the sixth circuit. Anderson Crenshaw and Marmaduke Williams being in nomination, the votes stood thus: For Mr. Crenshaw 41, For Mr. Williams 21.

Those who voted for Mr. Crenshaw are,

Messrs. Casey, Chambers, Davis, Devereux, Elliott, Gause, Lucas, May, Rose, Trotter, Ware, Wingate, (of the Senate.) Mr. Speaker, Anderson, Armstrong, Bagby, Carr, Clay, Craig, Dale, Davis, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Holderness, Kennedy, Leake, Murrell, Masterson, Moore, Morton, Martin, McHenry, Norwood, Pickett, Parham, Tagert, Thompson.

Those who voted for Mr. Williams are,

Mr. President, Conner, Dennis, Hanby, Lanier, (of the Senate.) Messrs. Allen, Ayers, Barclay, Beene, Brown, Dabney, Duckworth, Jones, King, Magoffin, Perry, Skinner, Smith, Vining, Weedon, Williamson.

The Speaker thereupon declared Mr. Crenshaw duly elected Judge of the sixth judicial circuit.

The two Houses then proceeded to the election of a Solicitor for the sixth judicial circuit. No person being in nomination but Benjamin Fitzpatrick, and all the members present voting for him, he was declared by the Speaker duly elected Solicitor of the sixth judicial circuit.

The two Houses then proceeded to the election of a Judge of the county court of Henry, to fill the vacancy occasioned by the resignation of William Watson, Esq. David Caldwell being the only person in nomination, and

all the members present voting for him, the Speaker declared him duly elected.

The two Houses then proceeded to the election of a Judge of the county court of Covington county. James R. Mobley being the only person in nomination, and all the members present voting for him, the Speaker declared him duly elected.

The two Houses then proceeded to the election of a Judge of the county court of Decatur county. Hezekiah Bailes being the only person in nomination, and all the members present voting for him, the Speaker declared him duly elected.

The two Houses then proceeded to the election of a Judge of the county court of Pike county. Charles Shaw and Andrew Townsend being in nomination, the votes stood thus: For Mr. Shaw 63, For Mr. Townsend 7.

Those who Voted for Mr. Shaw are,

Mr. President, Casey, Conner, Chambers, Davis, Devereux, Dennis, Elliott, Garth, Hanby, Lucas, Lanier, May, Rose, Trotter, Ware, Wingate, (of the Senate.) Messrs. Adderson, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Holderness, Jones, Kennedy, King, Leake, Magonis, Murrell, Masterson, Miller, Moore, Morton, Martin, M^r Henry, Norwood, Pickett, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon.

Those who voted for Mr. Townsend are,

Messrs. Gause, Hogg, McVay, (of the Senate.) Mr. Speaker, Allen, Montgomery, Williamson.

The Speaker thereupon declared Mr. Shaw, duly elected.

A bill to be entitled an act to repeal in part the forty-third section of an act to organize the militia of this State, and substitute an amendment thereto, was read a second time, and *Ordered* to be read a third time to-morrow.

A bill to be entitled an act to establish the permanent seat of justice for the county of Montgomery, was read a second time, and *Ordered* to be engrossed for a third reading to-morrow.

The House then adjourned till to morrow morning nine o'clock.

Friday, December 14.

Mr. Perry from the committee on enrolled bills reported, that the committee had examined bills of the following titles, to wit:

An act supplementary to an act entitled an act for the relief of securities;

An act expressing the gratitude of the State of Alabama, for the services rendered by Samuel Dale to this State;

An act to apportion the Representatives among the several counties of this state, and to divide the same into Senatorial districts according to the late census, at a ratio of 1730 for the Representative branch; all of which they find truly enrolled.

An engrossed bill to be entitled, an act prescribing the manner of changing the venue in criminal cases, and for other purposes, was read a third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed a bill to be entitled, an act expressing, the gratitude of the state of Alabama, for the services rendered by Samuel Dale to this state; which originated in this House. Also, that they had read a third time and passed a bill to be entitled, an act concerning writs and executions; in which they desire the concurrence of this House.

Mr. Crenshaw from the judiciary committee to whom was referred a resolution of this House directing them to inquire whether the judges of the supreme court have reduced their opinions to writing, and filed them in the clerk's office as required by law, made the following report:

'The judiciary committee to whom was referred a resolution of the House, directing them to inquire whether the judges of the supreme court have reduced their opinions to writing, and filed them in the clerk's office of said court, respectfully report, that they have made the inquiry and find that the judges have not filed their opinions in writing as required by law. But as an apology for the non-performance of this part of their official duty, your committee would state, that so many duties necessarily devolved upon the judges arising from the new organization of the judicial system, and from the unsettled state of the law in this country, that it has been an arduous task on them to perform those duties which were the more immediately essential to the administration of justice. Your committee are also informed,

that shortly after the organization of the supreme court, a number of the decisions of the judges, and without their approbation, were published by some person in a mutilated form, which had a tendency to give the community incorrect legal information. Your committee are satisfied, that the judges will hereafter reduce their opinions to writing, and file them with the clerk, as well in cases already decided, as in those which may be hereafter adjudicated. Your committee are, therefore, of opinion, and recommend, that it is inexpedient at present, to take any further measures on the subject.

W. CRENSHAW, Chair.

Ordered, that the House concur in said report.

The House took into consideration a bill to be entitled an act supplementary to an act to establish a state University, which bill was on its second reading.

Mr. Moore moved to strike out the 14th section of said bill; which was decided in the negative—ayes 22, nays 26.

The ayes and nays being called for, those who voted in the affirmative are,

Messrs. Anderson, Armstrong, Beene, Clay, Davis, Edmondson, Fleming, Holderness, King, Leake, Montgomery, Magoffin, Miller, Moore, McHenry, Powell, Philpott, Skinner, Smith, Vining, Weedon, Williams—22.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Barclay, Brown, Carr, Craig, Duckworth, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Jones, Kennedy, Murrell, Masterson, Morton, Martin, Norwood, Pickett, Perry, Parham, Taggart Thompson, Williamson—26.

Ordered, that said bill be engrossed for a third reading to morrow.

A bill to be entitled, an act to authorize the judge of the county court, and commissioners of the roads and revenue, of Butler county, to levy an extra tax, for building a court house and jail, and for other purposes, was read a third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that said bill be sent to the Senate for their concurrence.

Mr. Craig offered the following protest on behalf of himself and others whose names are thereto subscribed:

We the undersigned exercising the right guaranteed to each member of the legislature, by the constitution of this state, Protest most solemnly against the vote given by the majority of this House, on the 5th instant on the motion to strike out the first section of the bill to be entitled, an act

to raise a revenue for the support of government for the year 1822, which runs in the following words: "That all lands in this state subject to taxation, shall belong to one class, the first quality of which shall be rated at eight dollars per acre; the second quality, at six dollars per acre; the third quality, at four dollars per acre; and the fourth quality, at two dollars per acre; and the owner or person subject to pay taxes for the same, shall, when he or she give in a list of his or her lands, state on oath, to which quality his or her lands belong." And we assign, therefor, the following reasons.

First, We believe that all public burthens, to be just, ought to be equal. Inasmuch then, as the tax imposed by the section aforesaid, on land, will be paid by not more than one half of the landholders in this State, we deem it unjust, & ought not to be submitted to, by men claiming equal rights.

Secondly, Because we believe the mode of taxing land, as provided by said section, is *unconstitutional*. That instrument declares, that "all lands liable to taxation in this State, shall be taxed in proportion to their value." It would therefore require something more than human ingenuity, or sophistical reasoning to convince us, that there are no lands within the State of Alabama subject to taxation, worth more than eight dolls. nor none worth less than two dolls. per acre.

Thirdly, Because we believe it calculated to exonerate the rich from paying a land tax in proportion to the intrinsic value of their lands; and cause the poor to pay more than a fair proportion on the poorest lands.

Fourthly, Because, we believe it improper to compel the good citizens of this State, to swear to the value of their lands, which we conceive the aforesaid section virtually requires them to do.

John Craig,
H. A. Anderson,
Wm. Edmondson,

Who does not object to placing lands in qualities, but believe that the section does not give a fair proportion of the value of lands. With the above reasons we sign the protest.

Benj. Murrell,
G. Masterson,
Quin Morton,

Who believe the first reason all sufficient to ground a protest on.

On motion of Mr. Armstrong, the House took into consideration a bill to be entitled an act to reduce the expenses of the General Assembly; which was read a second time.

Mr. Morton moved, that the further consideration of the said bill be indefinitely postponed; which was decided in the affirmative. Ayes 24--Nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Ayers, Beene, Carr, Craig, Davis, Duckworth, Edmondson, Evans, Elmore, Fleming, Graham, Montgomery, Murrell, Miller, Morton, McHenry, Pickett, Parham, Skinner, Smith, Tagert, Thompson, Williamson.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Barclay, Brown, Clay, Handwick, Holderness, Jones, Kennedy, King, Leake, Magoffin, Masterson, Moore, Martin, Norwood, Powell, Philpott, Vining, Weedon, Williams.

A bill from the Senate to be entitled an act concerning writs and executions, was read a first time, and *Ordered* to be read a second time to-morrow.

The following communication was received from His Excellency, by Mr. Pleasants, Secretary of State:

Executive Department, Cahawba, Dec. 14, 1821.

Gentlemen of the House of Representatives,

In compliance with your resolution, requesting such information as I may possess, "in regard to the loan authorized to be obtained from one of the specie paying banks of this State," I have to observe, that on the passage of the act authorizing the loan, a copy thereof was transmitted to the President and Directors of the Bank at St. Stephens, with a proposition for obtaining the loan therein authorized from that institution. No information is yet received of the result of that application.

Sometime previously to the passage of the act, I had written to the Cashier of that bank, requesting him to make known to the directors, the probability of such loan being authorized, with the view, that an application might not be unexpected, and that the subject might be considered of.

I have understood from several directors, that in the consideration, the matter thus inofficially and informally communicated, the requisite majority of three fourths of the board present, were not favourable to the loan. This reluctance on the part of a small portion of the directors is not believed to be owing to any indisposition to accommo-

late the State (although a similar determination was made by the same institution, nearly two years ago,) but that in this instance, it has been owing to a misimpression prevailing in regard to a supposed failure to repay a former Bank loan, by the State, after it had been urgently requested; and also, to a want of full knowledge of the measures in progress at this session, calculated to reinstate the credit of the treasury and inspire confidence in the public engagements of the State.

These measures being matured, and the truth being known, that the good faith of the State has never in one instance been violated, I have no doubt of any Bank in the State paying specie, being indisposed to make the necessary loan.

I am particularly encouraged to believe, that should an arrangement be authorized for aiding the credit of a small issue of treasury notes, not exceeding double the amount authorized to be loaned, such arrangement would be very cordially embraced by any of the banks. And in that case, it is thought proper to propose such arrangement with each of the specie paying banks. ISRAEL PICKENS.

Mr. Weedon moved, that a committee be appointed, to examine the journals of this House in relation to the election of a judge of the county court of Blount county, and report to this House, if any, and what error is in that part of the journal; which was decided in the negative---ayes 14, nays 33.

The yeas and nays being called for, those who voted in the affirmative, are—

Mr. Speaker, Allen, Ayers, Beene, Craig, Dabney, Davis, Duckworth, Graham, McHenry, Thompson, Weedon, Williams, Williamson—14.

Those who voted in the negative, are—

Messrs. Anderson, Armstrong, Bagby, Barclay, Brown, Carr, Clay, Edmondson, Evans, Elmore, Fleming, Hardwicke, Holderness, Jones, Kennedy, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Vining—33.

The House then took into consideration the resolution, proposing amendments to the constitution; which were read a second time and ordered to lie on the table.

The House resolved itself into a committee of the whole House, on the bill to be entitled, an act to define the duties of sheriffs, constables and justices of the peace, in this state,

and to regulate the fees of certain officers therein named, Mr. Magoffin in the chair; and after sometime spent therein, the committee rose, and Mr. Magoffin reported the bill as amended.

Mr. Williamson moved, that the further consideration of said bill be indefinitely postponed; which was decided in the negative---ayes 20, nays 25.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Brown, Carr, Evans, F. more, Fleming, Greening, Graham, Kennedy, Morton, Norwood, Pickett, Powell, Perry, Smith.

Those who voted in the negative, are

Messrs. Anderson, Barclay, Beene, Clay, Craig, Davis, Edmondson, Hardwicke, Holderness, Jones, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Martin, M'Henry, Philpott, Skinner, Thompson, Vining, Weedon, Williams.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed, a bill originating in this House, to be entitled an act to apportion the representatives among the several counties of this state, and to divide the state into senatorial districts, according to the late census, at a ratio of 1730 for the representative branch; to which they have made sundry amendments, in which they desire the concurrence of this House.

The question being taken on concurring with the amendment made by the Senate to the said bill, in striking out in the 7th line of the 1st section, after the word "Conecum," the word "two," and inserting in lieu thereof the word "three;" it was decided in the affirmative---ayes 25, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Craig, Edmondson, Evans, F. more, Greening, Graham, Jones, Kennedy, Montgomery, Magoffin, Masterson, Martin, Norwood, Pickett, Thompson, Williamson.

Those who voted in the negative, are

Messrs. Allen, Clay, Davis, Fleming, Hardwicke, Holderness, Leake, Murrell, Miller, Moore, Morton, M'Henry, Powell, Philpott, Perry, Parham, Smith, Vining, Weedon, Williams.

Ordered, that the House concur in the rest of said amendments.

Mr. Barclay moved to suspend the resolution prohibiting

the introduction of new business into this House, after Monday the third instant; which was carried.

Mr. Barclay then introduced a bill to be entitled an act for the relief of Thomas Kirby, tax collector of Jackson county, for the year 1820; which was read a first time,--- and the rule being suspended, it was read a second time, and *Ordered* to be read a third time to-morrow.

Ordered, that Mr. Fleming and Mr. Morton have leave of absence during the remainder of the session.

The House, then adjourned till three o'clock this evening.

Evening Session.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed,

A memorial to Congress on the subject of connecting the waters of the Tennessee river with those of the Alabama,---which originated in this House; to which they have made sundry amendments, in which they desire the concurrence of this House.

Also, that they had read a third time and passed, a bill originating in this House, to be entitled an act for the punishment of malicious mischief, to which they have made sundry amendments, in which they desire the concurrence of this House.

Also, that they insist on all their amendments to the bill to be entitled, an act to provide for assessing and collecting the taxes of this State.

Also, that they concur in the amendment made by this House to their amendment to said bill.

Also, that they have read a 3d time & passed, *Resolutions* instructing our Senators and Representative in Congress, in relation to the census of this State; which originated in this House.

And, an act for the relief of William B. Allen, in which they desire the concurrence of this House.

Also, that they had read a third time and passed, an act to raise a revenue for the support of government for the year 1822; which originated in this House, and which they have amended. In which amendment they desire the concurrence of this House.

Ordered, that this House concur in the amendment made

by the Senate to the bill to be entitled, an act to raise a revenue for the support of government for the year 1822; also, to an act for assessing and collecting the taxes of this State.

Ordered, that the House concur in the amendments made by the Senate to the memorial to Congress on the subject of connecting the waters of the Tennessee river, with those of the Alabama.

Ordered, that the House disagree to the amendments made by the Senate to the bill to be entitled an act for the punishment of malicious mischief, in striking out the proviso at the end thereof.

On motion of Mr. Smith, the rule prohibiting the introduction of new business into this House, after Monday the third instant, was suspended.

Mr. Smith then introduced a bill to be entitled an act to amend the act to establish the temporary seat of justice in the counties therein named; which was read a first time. And the rule being successively dispensed with, it was read a second and third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that the said bill be sent to the Senate for their concurrence.

A bill to be entitled an act to repeal in part, and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this State, passed on the 14th day of June last, was read a third time and passed. *Ordered*, that the words "a bill to be entitled" be stricken out. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill from the Senate to be entitled an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this State, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this State, as may aid the credit and currency of the Treasury notes---, was read a second time. Mr. Weedon offered an amendment thereto, consisting of two additional sections; which was adopted. The bill was then further amended; The rule being dispensed with, the said bill was read a third time and passed. Ayes 28, nays 19.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Ayers, Beene, Brown, Craig, Davis, Duckworth, Evans, Elmore, Hardwicke, Jones, Kennedy, Montgomery, Magoffin, Murrell, Masterson, Miller, Morton, M'Henry Norwood, Pickett, Perry, Skinner, Tagert, Thompson, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Anderson, Armstrong, Barclay, Carr, Clay, Crenshaw, Edmondson, Fitzpatrick, Fleming, Graham, Hopkins, Leake, Moore, Martin, Powell, Philpott, Smith, Williamson.

Ordered, That the Senate be acquainted therewith.

A bill to be entitled an act to repeal in part the forty third section of an act to organize the militia of this State, passed Dec. 20, 1820, was read a third time and passed.

Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

Ordered, That the committee of the whole House be discharged from the further consideration of the bill to be entitled an act to regulate the proceedings in chancery suits.

The said bill was then read a third time and passed.

Ordered, That the words "A bill to be entitled," be stricken out. Ordered, That the same be sent to the Senate for their concurrence.

Ordered, That Mr. Fitzpatrick have leave of absence the remainder of the session.

A bill to be entitled an act to make appropriations for the payment of certain claims against the State---was read a second time, and Ordered, to lie on the table.

A bill to be entitled an act to amend the law regulating proceedings upon the claims of property under execution---was read a third time, amended by way of rider, and passed. Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to fix the permanent seat of justice in Montgomery county---was read a third time and passed. Ordered, That the title be as aforesaid. Ordered, That the same be sent to the Senate for their concurrence.

Ordered, That the committee of the whole be discharged from the further consideration of the bill to be entitled, an act to repeal in part, and amend an act to reduce into one the several acts, concerning roads, bridges, and highways. Ordered, That the said bill be committed to a select com-

mittee. Whereupon, Messrs. Moore, Martin and Leake, were appointed said committee.

Bills and resolutions from the Senate of the following titles, to wit :

An act to alter the boundaries between Bibb and Perry counties.

Resolutions, in relation to the road from Uchee bridge to Line creek.

An act authorizing Abraham Skidmore and others to sell certain real estate ; were severally read a third time and passed. *Ordered*, That the Senate be acquainted therewith.

A bill from the Senate to be entitled an act to amend the several acts regulating the proceedings in the Courts of law and Equity in this State, was read a third time. And on the question being put---Shall this bill pass? It was decided in the negative.

A bill to be entitled an act amendatory of the several acts now in force for the relief of insolvent debtors---was read a second time, and *Ordered* to be read a third time tomorrow.

The following message was received from the Senate by Mr. Davis, informing this House, that they have read the third time and passed the bill originating in this House, entitled an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act ; and have amended the same by inserting between the word "stockholder" and the word "of," in the second line of the twentieth section, the words "or the copartner of any such director:" and by adding an additional section thereto ; in which amendments they desire the concurrence of this House.

A bill to be entitled an act to amend an act entitled an act to provide for the appointment of county officers---was read a second time, and *Ordered* to be indefinitely postponed.

A bill from the Senate to be entitled an act for the relief Michael J. Kenon, was read a second time ; and on the question being put---Shall this bill be read a third time? It was decided in the negative.

On motion of Mr. Clay the resolution prohibiting the introduction of new business into this House after Monday the 3rd instant, was suspended.

Mr. Clay then introduced a bill to be entitled an act for the relief of John Easley; which was read a first time.--- And the rule being successively dispensed with, it was read a second and third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Ordered, that the House disagree to the amendments made by the Senate to the bill to be entitled, an act to alter and amend the several acts now in force, organizing the militia of this state.

A bill from the Senate entitled, an act authorizing Edwin Lewis, to open and construct a road in Mobile county, was read a first time and ordered to lie on the table.

Resolutions in relation to the public lands adjoining the town of Cahawba, were read a third time.

Mr. Moore, moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative---ayes 24, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Anderson, Armstrong, Ayers, Brown, Clay, Edmondson, Fleming, Hardwicke, Holderness, Leake, Murrell, Masterson, Miller, Moore, Morton, Powell, Philpott, Parham, Skinner, Smith, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Bagby, Barclay, Beene, Carr, Crenshaw, Craig, Davis, Duckworth, Evans, Elmore, Greening, Graham, Jones, Montgomery, Magoffin, M'Henry, Norwood, Pickett, Tagert, Thompson, Williamson.

Ordered, that the House concur in the amendments made by the Senate to the bill to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act.

A bill to be entitled, an act to establish a board of internal improvement, was ordered to be indefinitely postponed.

A bill from the Senate to be entitled, an act for the relief of Thomas Eastin, was read a third time, and ordered to lie on the table.

A bill to be entitled, an act to provide compensation for witnesses in criminal cases, out of county funds, in certain specified cases; was read a second time.

Mr. Allen moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative---ayes 24, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Beene, Carr, Evans, Greening, Graham, Leake, Montgomery, Moore, Martin, Norwood, Pickett, Powell, Philpott, Parham, Smith, Tagert, Vining, Williams, Williamson.

Those who voted in the negative, are

Messrs. Barclay, Brown, Clay, Craig, Davis, Duckworth, Edmondson, Elmore, Hardwicke, Holderness, Jones, Kennedy, Magoffin, Murrell, Masterson, Miller, Morton, McHenry, Skinner, Thompson.

The question being put, shall this House adjourn? It was decided in the negative---ayes 21, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Allen, Armstrong, Ayers, Barclay, Carr, Crenshaw, Davis, Duckworth, Evans, Greening, Graham, Hardwicke, Leake, Magoffin, Martin, McHenry, Smith, Tagert, Weedon, Williams, Williamson.

Those who voted in the negative, are

Mr. Speaker, Anderson, Beene, Brown, Clay, Craig, Edmondson, Elmore, Jones, Kennedy, Montgomery, Murrell, Masterson, Miller, Moore, Morton, Norwood, Pickett, Philpott, Parham, Skinner, Thompson, Vining.

A bill from the Senate to be entitled, an act supplementary to the several acts, in relation to wills, intestates, and guardians; was read a third time. And on the question being put, shall this bill pass? It was decided in the negative.

Resolution authorizing the tax collectors of Madison, Limestone and Lawrence counties to pay into the Huntsville Bank, the amount of taxes of their respective counties; was read a second time. And the rule being dispensed with, it was read a third time and passed. *Ordered*, that the same be sent to the Senate for their concurrence.

The House then adjourned till to morrow morning nine o'clock.

Saturday, December 15.

The House met pursuant to adjournment.

Mr. Weedon from the committee on Inland navigation, to whom was referred the report of John D. Terrell, Esq. upon the examination of the Buttahache river, reported a bill to be entitled, an act allowing compensation to John D. Terrell, Esq. for making a survey and examination of the Buttahache river; which was read a first time. And the rule being dispensed with, it was read a second time, and ordered to lie on the table.

Mr. Moore from the select committee to whom was referred, a bill to be entitled, an act to reduce into one the

several acts concerning roads, bridges and highways, reported the said bill with amendments, in which the House concurred.

Mr. Evans moved to strike out the 7th section of said bill; which was carried. The bill was then amended.--- Upon the question being put, shall this bill lie on the table? it was decided in the negative. Ayes 17, nays 25.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Barclay, Fitzpatrick, Hardwicke, Kennedy, Montgomery, Murrell, Norwood, Pickett, Philpott, Parnam, Smith, Tagert, Thompson, Vining, Williams.

Those who voted in the negative, are

Messrs. Anderson, Ayers, Beene, Carr, Davis, Duckworth, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Hopkins, Jones, Leake, Magoffin, Masterson, Miller, Moore, Martin, McHenry, Powell, Skinner, Weedon, Williamson.

Mr. Carr offered the following amendment:

And be it further enacted, That from and after the passage of this act, all students of any academy or school within this State be, and the same are hereby, exempted from working on public roads; which was adopted. Ayes 24, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Bagby, Carr, Clay, Crenshaw, Evans, Elmore, Greening, Graham, Holderness, Leake, Magoffin, Masterson, Moore, Morton, Martin, Norwood, Pickett, Philpott, Thompson, Weedon, Williamson.

Those who voted in the, negative are

Messrs. Ayers, Barclay, Beene, Brown, Craig, Davis, Duckworth, Edmondson, Fitzpatrick, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Miller, McHenry, Powell, Skinner, Smith, Tagert, Vining, Williams.

Ordered, that the said bill be engrossed for a third reading this evening.

Mr. Clay introduced a resolution concerning the printing of the Journals and Laws of the present General Assembly; which was read a first time. And the rule being dispensed with, it was read a second time, and *Ordered*, to be engrossed for a third reading this evening.

A bill to be entitled, an act supplementary to the act for the establishment of a State University,---was read a third time.

The question being put on filling the blank in relation to the minimum price for the sale of the college lands

with "twenty four dollars;" it was decided in the negative. Ayes 15, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Beene, Clay, Davis, Edmondson, Elmore, Holderness, Leake, Miller, Moore, McHenry, Philpott, Skinner, Vining Williams.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Bagby, Barclay, Brown, Carr, Crenshaw, Craig, Duckworth, Evans, Fitzpatrick, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Magoffin, Marrell, Masterson, Morton, Martin, Norwood, Pickett, Powell, Parham, Smith, Tagert, Thompson, Williamson.

The question was then taken on filling said blank with "twenty dollars," and lost. Ayes 19, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Clay, Beene, Dabney, Davis, Elmore, Fleming, Holderness, Leake, Marrell, Miller, Moore, McHenry, Philpott, Skinner, Vining, Weedon, Williams, Edmondson.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Barclay, Brown, Carr, Crenshaw, Craig, Duckworth, Evans, Fitzpatrick, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Morton, Martin, Norwood, Pickett, Powell, Parham, Smith, Tagert, Thompson, Williamson.

The question was then taken on filling said blank with "seventeen dollars," and carried. Ayes 26, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Beene, Clay, Craig, Dabney, Davis, Edmondson, Elmore, Fleming, Greening, Holderness, Hopkins, Leake, Masterson, Miller, Moore, Martin, McHenry, Norwood, Pickett, Philpott, Skinner, Smith, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Allen, Ayers, Bagby, Barclay, Brown, Carr, Crenshaw, Duckworth, Evans, Fitzpatrick, Graham, Hardwicke, Jones, Kennedy, Montgomery, Magoffin, Morton, Powell, Perry, Parham, Tagert, Thompson, Williamson.

The rest of the blanks were then filled.

Mr. Morton moved to reconsider the vote on the third reading of said bill; which was carried. Ayes 23, nays twenty.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Bagby, Brown, Carr, Crenshaw, Dale, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Jones, Kennedy, Magoffin, Marrell, Morton,

Martin, Norwood, Pickett, Perry, Parham, Smith, Tagert, Thompson, Weedon, Williamson.

Those who voted in the negative, are

Messrs. Anderson, Beene, Clay, Craig, Davis, Edmondson, Evans, Fleming, Holderness, King, Leake, Masterson, Miller, Moore, McHenry, Powell, Philpott, Skinner, Vining, Williams.

Mr. Morton moved to reconsider the vote on the seventeenth section of said bill; which was carried.

Mr. Moore offered an amendment to said section, by providing that the lands mentioned in the bill should not be sold before the first day of January 1823,--which was decided in the negative. Ayes 18, nays 31.

The ayes and nays being called for, those who voted in the affirmative, are

Messrs. Beene, Davis, Edmondson, Clay, Evans, Holderness, King, Leake, Miller, Moore, Martin, McHenry, Powell, Philpott, Skinner, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Bagby, Brown, Carr, Crenshaw, Craig, Dabney, Dale, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Magoffin, Murrell, Masterson, Morton, Norwood, Pickett, Perry, Parham, Smith, Tagert, Thompson, Williamson.

The blanks being filled, the bill was read a third time. The question being put, shall this bill pass? it was decided in the affirmative. Ayes 33, nays 16.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Anderson, Ayers, Bagby, Brown, Carr, Crenshaw, Craig, Dabney, Dale, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwicke, Hopkins, Jones, Kennedy, Montgomery, Magoffin, Masterson, Morton, Martin, Norwood, Pickett, Perry, Parham, Smith, Tagert, Thompson, Williamson.

Those who voted in the negative, are

Messrs. Beene, Clay, Davis, Edmondson, Holderness, King, Leake, Miller, Moore, McHenry, Powell, Philpott, Skinner, Vining, Weedon, Williams.

Ordered, that the words "a bill to be entitled"; be stricken out. Ordered, that the same be sent to the Senate for their concurrence.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed, a bill originating in this House, entitled, an act to fix the permanent seat of justice in Montgomery county; which they have amended; and in which amendment they desire the concurrence of this house.

Also, that they had read a third time and passed a bill entitled, an act making it the duty of the Comptroller to issue printed warrants; and, a resolution allowing the Comptroller two hundred and fifty dollars, in addition to his present salary: In both of which they desire the concurrence of this House.

Also, that they insist on their amendments to the bill entitled an act to alter and amend the several acts now in force, organizing the militia of this State.

Also, that they had read a third time and passed the bill, originating in this House, entitled an act for the relief of John Easley.

And, a bill entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes: both of which they have amended; and in which amendments, they desire the concurrence of this House.

Also, that they had read a third time and passed a bill originating in this House, entitled, an act to repeal in part and amend an act, entitled an act, to regulate the proceedings in the courts of law and equity in this State: which they have amended; and in which they desire the concurrence of this House.

The question being taken on concurring with the amendment made by the Senate, to the bill to be entitled an act to fix the permanent seat of justice for Montgomery county, it was decided in the negative. Ayes 10. Nays 24.

The yeas and nays being called for, those who voted in the affirmative are,

Messrs. Beene, Crenshaw, Dale, Evans, Fitzpatrick, Jones, Powell, Skinner, Smith, Tagert, Williamson.

Those who voted in the negative are,

Mr. Speaker, Anderson, Bagby, Clay, Dabney, Davis, Elmore, Graham, Hardwicke, Holderness, Kennedy, King, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Morton, M'Henry, Thompson, Vining, Weedon, Williams.

A resolution from the Senate, allowing the Comptroller, two hundred and fifty dollars, in addition to his present salary, was read a first time; and the rule being successively

dispensed with, it was read a second and third times and passed. Ayes 21. Nays 20.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Bagby, Brown, Carr, Crenshaw, Dabney, Dale, Evans, Elmore, Fitzpatrick, Greening, Graham, Montgomery, Magoffin, Pickett, Parham, Tagert, Thompson, Williams, Williamson.

Those who voted in the negative, are

Messrs. Avers, Barclay, Beene, Clay, Craig, Davis, Edmondson, Hardwicke, Holderness, Jones, King, Murrell, Masterson, Miller, Moore, Powell, Skinner, Smith, Vining, Woodson.

Ordered, That the Senate be acquainted therewith.

Ordered, That the House insist on their disagreement to the amendments made by the Senate to the bill to be entitled an act to alter and amend the several acts now in force, organizing the militia of this State.

The House then adjourned, till 3 o'clock, this evening.

Evening Session.

A bill from the Senate to be entitled, An act making it the duty of the Comptroller to issue printed warrants, was read a first time; and the rule being dispensed with, it was read a second time, and ordered to lie on the table.

Ordered, That the House concur in the amendment made by the Senate, to the bill to be entitled An act for the relief of John Easley.

Ordered, That the House concur in the amendments made by the Senate, to the bill to be entitled An act to appoint commissioners to lay out certain roads therein specified, and for other purposes.

Ordered, That the House concur in the amendments made by the Senate, to the bill to be entitled, an act to repeal in part, and amend an act entitled an act to repeal in part and amend an act, to regulate the proceedings in the courts of law and equity in this State, passed June 14, 1821.

Mr. Perry from the committee on enrolled bills, reported, that the committee had examined bills of the following titles, to wit:

An act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned;

An act to raise a revenue for the support of Government for the year 1822;

Resolutions instructing our senators and representative in Congress, in relation to the census of this State;

Memorial to Congress on the subject of connecting the

waters of the Tennessee river, with those of the Alabama river ; and,

An act for the relief of John Easley ; which they find correctly enrolled.

Mr. Powell offered the following protest :

I avail myself of the privilege granted to me by the constitution of my country, as one of the representatives of a free people, in protesting against the decision of the House of Representatives, whilst engaged on the bill to be entitled "An act to apportion the representatives among the several counties of this State, and to divide the same into senatorial districts, according to the late census, at the ratio of 1730 for the representative branch," in rejecting two motions made by me. The object of the one of which, was to give Pickens county one representative, which being rejected,---the other was to require the assessor of the said county, for the next year, to take the census thereof, according to the law heretofore in force, and forward the same to the Governor, who thereby would have been required, if the population of the county equalled the ratio of representation, to issue a writ of election accordingly.---In support of the first motion, although Pickens county had no census returned, I had precedent to support me ; for the House had just decided, that Henry county situated in the same condition, and with no further claims for representation, should have one ;---and with regard to the last, I conceive the object and design of our government, based on the immutable principles of *equal rights*, never intended, that a fair portion of the State of Alabama, should be deprived of the inestimable blessings of representation, for an omission which has proceeded, not from any neglect of the suffering party, but from the want of civil officers, to carry into effect the objects of the law, and which, as I conceive, would have answered that purpose, without violating any provision of the constitution.

Levin Powell.

A message was received from His Excellency, by Mr. Pleasants, secretary of state, informing this House that he did, on the 13th instant, approve and sign: An act declaring the Conecuh and Sepulgah rivers, public highways; an act to apportion the representatives among the several counties of this state, and to divide the same into senatorial districts, according to the late census, at a ratio of 1730 for the

a representative branch; and on this day, an act expressing the gratitude of the state of Alabama, for the services rendered by Samuel Dale, to this state; and, an act supplementary to an act entitled, an act for the relief of securities; all of which originated in this House.

Engrossed resolutions concerning the printing of the laws and journals of the present General Assembly; were read a third time and passed.

Ordered, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to repeal in part and amend an act entitled, an act to reduce into one the several acts concerning roads, bridges and ferries; was read a third time and passed. *Ordered*, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Ordered, that the committee of the whole be discharged from the further consideration of the bill to be entitled, an act in relation to the banking institutions of this state.

Mr. Weedon moved to amend the second section of said bill, by striking out the word "legal" before the word "interest," for the purpose of inserting "at the rate of per centum per month;" which was decided in the negative -- ayes 7, nays 39.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Evans, Hardwicke, Leake, Tagert, Thompson, Vining, Weedon.

Those who voted in the negative, are

Mr. Speaker, Allen, Anderson, Ayers, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Edmondson, Elmore, Greening, Graham, Holderness, Jones, Kennedy, King, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, M'Henry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Skinner, Smith, Williams, Williamson.

The bill was then read a third time and passed; *Ordered*, that the Senate be acquainted therewith.

A bill from the Senate to be entitled, an act for the relief of William B. Allen, was read a third time and passed.

Ordered, that the Senate be acquainted therewith.

A bill from the Senate, to be entitled, an act concerning writs and executions; was read a second time; and the rule being dispensed with, it was read a third time and passed.

Ordered, that the Senate be acquainted therewith.

A message was received from the Senate by Mr. Lyon their secretary, informing this House, that they had read a

third time and passed, an act to divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of the decree of the circuit court of Franklin county, exercising chancery jurisdiction; and, an act to amend an act to establish the temporary seat of justice in certain counties therein named; which originated in this House.

Ordered, that the House concur in the amendments made by the Senate, to the bill to be entitled, an act to extend the time for collecting the tax and making returns, to the person therein named.

A bill to be entitled, "an act for the relief of Thomas H. Kirby, tax collector of Jackson county for the year 1820;" was read a third time and passed; *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

Ordered, that Messrs. Brown and Holderness have leave of absence, during the remainder of the session.

A bill from the Senate to be entitled, an act amendatory to the several laws now in force for the relief of insolvent debtors; was read a third time and lost.

A bill to be entitled, an act making appropriations for the year 1822; was ordered to lie on the table.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they have read a third time and passed, a bill originating in this House, to be entitled, an act to extend the time for collecting the tax and making returns, to the persons therein named, to which they have made sundry amendments, in which they desire the concurrence of this House.

Ordered, that Mr. Bagby have leave of absence from this House during the remainder of the session.

Ordered, that the House insist on their disagreement to the amendment, made by the Senate to the bill to be entitled, an act to fix the permanent seat of justice for Montgomery.

Ordered, that Mr. Craig and Mr. Masterson, have leave of absence for the remainder of the session. The question being put, shall this House adjourn till Monday morning nine o'clock? It was decided in the negative---ayes 18, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Crenshaw, Dabney, Davis, Duckworth, Greening, Graham,

Magoffin, Miller, Moore, Morton, Martin, McHenry, Powell, Philpott, Parham, Smith, Weedon, Williams.

Those who voted in the negative are,

Mr. Speaker Allen, Anderson, Ayers, Barclay, Beene, Brown, Carr, Clay, Craig, Edmondson, Evans, Elmore, Hardwicke, Holderness, Hopkins, Jones, Kennedy, King, Leake, Murrell, Masterson, Norwood, Pickett, Skinner, Tagert, Thompson, Vining, Williamson.

The House having got through the orders of the day, and there being nothing before it, it was adjourned till Monday morning nine o'clock.

Monday, December 17, 1821.

Mr. Moore from the select committee to whom was referred the communication of His Excellency on the subject of certain slaves libelled in the district court of the United States, made the following report:

The select committee, to whom was referred the communication of His Excellency the Governor in obedience to the resolution of this House calling upon him for "all the information in his possession relative to the situation and interest which this state may have in relation to certain slaves libelled in the district court of the United States for the district of Alabama, or an alleged violation of the laws of the United States in relation to the impatriation of slaves, have the honor to inform the Senate and beg leave to submit the following report in answer to the resolutions upon the subject submitted to the committee.

His Excellency agrees with the majority of the Senate in believing that the district courts have jurisdiction in cases of libel against the slave, but that the libelation of the slave is not a crime, and that the proper tribunal to go to for relief is not the state, but to order their simple delivery to the common law of the state, to be disposed of afterwards by the common law. On this point His Excellency differs with the attorney general, who is of opinion that the district court has jurisdiction, not only so far as to ascertain the fact of violation of the slave laws, but is also bound in case that fact is found, to proceed and order a sale and direct a distribution; of this opinion, also are your committee, both from the reasons assigned by the attorney general and from the fact, that the courts of the United States are bound to execute the laws of the several states, whenever they apply in the exercise of their jurisdiction; and the more particularly when those laws are passed in conformity with, and in pursuance of, authority given by the laws of the United

States. The present libels are filed by informers who claim a right under the state law. That law was passed by the authority of a law of the United States. It is admitted that the district court has power "to decide the fact of violation of the slave laws." It is under those laws that the forfeiture accrues, which gives the right secured by the state laws. And your committee are at a loss to discover how any difficulty can arise with the district court, in acting under the state law. The power to order a disposition under the state law, your committee consider as an incident to the power to ascertain the fact of forfeiture. Had the state law directing what disposition shall be made of the negroes, been passed by Congress, there would have been no doubt of the power of the district court to act under it; and your committee consider, that the case is equally clear in the present instance, the state law being passed by the authority of a law of the United States; and from its nature, requires that to be done, which can only be done, after an adjudication, which can only be had in the courts of the United States. Your committee would also observe, that they have never heard that any doubt has been expressed by the district court as to its power, finally to dispose of the case under the state law, should the fact of violation be found; and it is considered by your committee, that that court is the proper tribunal to determine its own jurisdiction. Your committee are also constrained to differ with His Excellency, in regard to the power of the legislature to pass any law, in relation to this particular case. It is admitted by His Excellency, that no law can be passed which shall interfere with the "vested rights of the informers and collector." These persons arrive at their rights through the medium of the present law; they being entitled to one half of the proceeds, after a public sale of the slaves by the seizure and institution of the judicial proceedings, they acquire an inchoate right which becomes perfect only on a condemnation, but it is such a right as cannot be taken from them; if so, your committee would ask what law altering the present case can be passed, which will not in some measure affect their rights, or how can any other disposition be made of them without their consent?

Your committee learn by the communication of the Governor, that a memorial has been received by him from a person disputing the right of the libellants, and claiming to be

an informer under the State law. And the Governor recommends a summary proceeding to decide between conflicting informers, and between them and the collector.

Your committee consider these conflicting claims are proper subjects of judicial investigation; and that the courts which have the power to decide upon the subject matter of the claims, have also ample power to decide who has a right to the proceeds. They therefore, consider it inexpedient to legislate on that subject.

On that part of His Excellency's communication, in which he recommends "a law authorizing proper agents or attorney's to attend to the interest of the State," your committee would remark, that it appears by the facts communicated by the letter of the Attorney General, that the cases are in a regular train of Judicial investigation, under the prosecutions of the informers.

Your committee, therefore, are of opinion, that no legislative act is at this time necessary in relation to the subject matter of the communication referred to their consideration.

David Moore, chairman.

Ordered, That said report lie on the table.

A bill from the Senate to be entitled, An act authorizing Edwin Lewis to open and construct a road in Mobile county, was read a third time, amended, and passed. *Ordered,* That the Senate be acquainted therewith.

A Message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they agree with the first amendment made by this House to the bill to be entitled an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this State, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this State, as may aid the credit and currency of the Treasury notes. Also, that they disagree to the amendment, adding several additional sections to said bill.

Also, that they had read a third time and passed, a bill originating in this House, to be entitled an act concerning jurors, and for other purposes; which they have amended, and in which amendment, they desire the concurrence of this House;

Also, that they insist on their amendments to the following bills, to wit:

An act to fix the permanent seat of Justice for the county of Montgomery; and,

An act for the punishment of malicious mischief.

Ordered, That the House recede from their disagreement to the amendments made by the Senate to the two last mentioned bills.

On motion, That the House recede from their amendment to the bill to be entitled an act to authorise the issuing of Treasury notes, and to vest authority in the Executive of this State, to apply a sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this State, as may aid the credit and currency of the Treasury notes,---it was decided in the negative.

A message was received from the Senate by Mr. Lyon, their secretary, informing this house that they had passed a resolution appointing a committee of three, to act with such committee as may be appointed on the part of this House, to wait on Samuel Dale, Esq. for the purpose of informing him, that the General Assembly have appointed him a Brevet Brigadier General, with half pay for life, of a Colonel of the United States army; and that they had appointed on their part, Messrs. Chambers, Conner and Elliott. *Ordered*, That the House concur in said resolution; Whereupon, Messrs. Weedon, Armstrong and Bagby were appointed a committee on the part of this House.

Mr. Armstrong introduced a resolution returning the thanks of this Legislature to Jeremiah Austill, for his heroic conduct during the late Creek war; which was read the first time; and, the rule being successively dispensed with, it was read a second and third times and passed. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr. Perry from the committee on enrolled bills, reported that the committee had examined bills of the following titles, to wit;

An act to alter and amend the several acts now in force organizing the militia of this State;

An act to extend the time for collecting the tax and making returns, to the persons therein named;

An act to amend an act entitled an act to establish the temporary seat of Justice in certain counties therein named;

An act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said act as are repugnant to the provisions of this act ;

An act to divorce Sarah M. Bracken from her husband, James A. Bracken, in pursuance of the decree of the Circuit Court of Franklin county, exercising chancery jurisdiction ;

An act to provide for assessing and collecting the taxes of this State ;

An act to repeal in part and amend an act entitled, an act to regulate the proceedings in the courts of law and equity in this State, passed the 14th day of June last ;

An act to appoint commissioners to lay out certain roads therein specified, and for other purposes ;

An act concerning jurors, and for other purposes ;

An act to fix the permanent seat of justice for Montgomery county ; and,

An act for the punishment of malicious mischief ; and find them all correctly enrolled.

Mr. Greening from the joint committee appointed by the two Houses, to confer on the propriety of memorializing Congress on the subject of annexing West Florida to this State, made a report recommending that object.

Mr. Greening moved, that the House concur in said report ; which was decided in the affirmative. Ayes 28, nays 18.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Allen, Armstrong, Bagby, Beene, Carr, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Evans, Elmore, Greening, Graham, Hardwicke, Jones, Kennedy, Montgomery, Masterson, McHenry, Pickett, Parham, Skinner, Tagert, Thompson, Williamson.

Those who voted in the negative, are

Messrs. Anderson, Ayers, Barclay, Clay, Edmondson, Holderness, Hopkins, Leake, Murrell, Miller, Moore, Morton, Martin, Philpott, Perry, Vining, Weedon, Williams.

A message was received from the Senate by Mr. Lyon, informing this House that they had read a third time and passed; *Resolutions* in relation to the annexation of that part of West Florida, which lies west of Apalachicola river; in which they desire the concurrence of this House.

The said resolution was then read a first time, and the rule being dispensed with, it was read a second and third time and passed.

Ordered, That the Senate be acquainted therewith.
Ordered, that the House concur in the amendment, made by the Senate to the bill to be entitled, an act concerning jurors, and for other purposes.

A bill to be entitled, an act making appropriations for the year 1822, was then taken up, and ordered to be engrossed for a third reading this evening.

A bill to be entitled, an act to make appropriations for the payment of certain claims against the State, was further amended, and ordered to be engrossed for a third reading this evening. The House then adjourned till 3 o'clock, this evening.

Evening Session.

Engrossed bills of the following titles, to wit: An act to make appropriations for the year 1822; and,

An act to make appropriations for the payment of certain claims against the State; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr. Weedon from the joint committee, appointed to wait on Samuel Dale, Esq. and inform him that the general assembly have made him brevet brigadier general, with the half pay for life of a colonel of the United States army, reported, that the committee had proceeded to discharge said duty and received the following answer:

GENTLEMEN--Permit me through you to return to the legislature my unfeigned acknowledgements, for the honour they have been pleased to confer upon me, in bestowing the appointment of a brevet brigadier general of the militia of the state of Alabama. It will be a source of unfailing pleasure to me, to reflect, that although I have expended the vigour of a strong constitution in discharging the arduous duties to which I have been subjected, it has been my peculiar good fortune to meet the approbation of my fellow citizens; and permit me to assure you, that while it shall please divine providence to enable me, gratitude for the expression of public confidence which you have this day made, shall stimulate me, to the exercise of my best exertions for the good of my country; and will you, gentlemen, accept my sincere thanks for the united and polite manner in

which you have conveyed to me the sense of the legislature, upon the present occasion.

SAMUEL DALE,

To Messrs. *Weedon, Armstrong and Bagby,*
the committee, &c.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they had read a third time and passed, an act altering and amending an act to form a sixth judicial circuit, and for other purposes; also, an act to amend an act entitled, an act to incorporate the town of Selma, in the county of Dallas; in which they desire your concurrence.

Also, that they concur in the amendments made by this House to the act to appoint commissioners for certain counties therein named, and for other purposes; and to the act authorizing Edwin Lewis to open and construct a road in Mobile county.

Also, that they have read a third time and passed, an act prescribing the manner of changing the venue in criminal cases, and for other purposes.

Also, an act to repeal in part the 43rd section of an act to organize the militia of this state, and to substitute an amendment thereto.

Also, an act for the relief of Th: H. Kirby, tax collector of Jackson county, for the year 1820.

Also, a resolution concerning the printing of the laws and journals of the present general assembly, and for other purposes; all of which originated in this House.

Also, that they had read a third time and passed, a resolution authorizing the tax collectors of Madison, Limestone and Lawrence counties, to pay into the Huntsville bank, the amount of taxes due from their respective counties; which originated in this House; and have amended the same, in which amendment, they desire the concurrence of this House.

Also, that they had read the third time and passed, an act to authorize the judge of the county court, and the commissioners of roads and revenue of Butler county, to levy an extra tax for building a court House and Jail for said county; which they have amended, and in which amendment they desire the concurrence of this House.

Also, that they insist on their disagreement to the amendment made by this House to the act to authorize the issuing of treasury notes, and to vest authority in the executive

of this state, to apply a certain sum of money thereunto mentioned for the purpose of making such arrangements with the specie paying banks of this state, as may aid the credit and currency of the treasury notes; and, that they have appointed a committee on their part, to consist of Messrs. Casey, Lucas, Hogg and Elliott, to confer with such committee as may be appointed on the part of this House.

Ordered, that the House concur in the amendments made by the Senate to the following:

Resolution authorizing the tax collectors of Madison, Limestone and Lawrence to pay into the Huntsville bank, the amount of taxes due from their respective counties; and an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Butler to levy an extra tax, for the purpose of building a court house and jail for said county.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they have read a third time and passed, a bill originating in this House, to be entitled an act supplementary to an act to establish a state University; to which they have made sundry amendments, in which they desire the concurrence of this House.

Ordered, that the House disagree to the amendment made by the Senate to the 14th section of said bill.

The amendments of the Senate were then further amended.

Mr. Moore moved, still, further to amend the said amendments of the Senate, by adding an additional section prescribing the oath to be taken by the trustees; which was adopted—ayes 23, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Anderson, Ayers, Beene, Davis, Duckworth, Edmondson, Hardwicke, Holderness, Hopkins, Kennedy, Maggiffin, Moore, Morton, McHenry, Pickett, Philpott, Perry, Skinner, Thompson, Vining, Weedon, Williams, Williamson.

Those who voted in the negative, are

Mr. Speaker, Allen, Armstrong, Bagley, Carr, Clay, Craig, Dabney, Dale, Evans, Elmore, Greening, Montgomery, Masterson, Miller, Martin, Norwood, Parnham, Smith, Tagert.

The House then concurred in the rest of the amendments made by the Senate to said bill.

Ordered, that the amendments made by this House, to the amendments made by the Senate, to said bill be sent for their concurrence.

A bill from the Senate to be entitled, an act to amend an act entitled, an act to incorporate the town of Selma, in the county of Dallas; was read a first time and indefinitely postponed.

Ordered, that a committee be appointed on the part of this House, to meet and confer with the committee on the part of the Senate, on the disagreement of the Senate to the amendments made by this House to the bill to be entitled, an act to authorize the issuing of treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this state as may aid the credit and currency of the Treasury notes.

Whereupon, Messrs. Williams, Moore, Greening and Martin, were appointed said committee.

The House then adjourned till half past 7 o'clock, this evening.

Half past seven.

A bill from the Senate to be entitled, an act altering and amending an act to form a sixth judicial circuit, and for other purposes; was read a first time and indefinitely postponed.

A bill from the Senate to be entitled, an act for the relief of Th. Eastin; was read a third time and passed---ayes 17, nays 14.

The ayes and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Anderson, Armstrong, Bagby, Carr, Clay, Crenshaw, Craig, Dale, Duckworth, Evans, Elmore, Greening, Graham, Kennedy, Magoffin, Moore, Pickett, Plalpot, Parham, Skinner, Smith, Tagert, Thompson, Vining, Williams, Williamson.

Those who voted in the negative, are

Messrs. Allen, Ayers, Beene, Davis, Hardwicke, Holderness, Leake, Murrell, Masterson, Miller, McHenry, Norwood, Powell, Weedon.

Ordered, that the Senate be acquainted therewith.

Ordered, that a committee of two members be appointed to examine the accounts of the door-keepers for stationary.

Whereupon, Messrs. Armstrong and Martin were appointed said committee.

A bill from the Senate to be entitled, an act making it the duty of the comptroller to issue printed warrants; was read a third time and indefinitely postponed.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that the Senate

third time and passed, the resolutions returning the thanks of this legislature to Jeremiah Austill, for his heroic exertions, during the late creek war, and particularly for his gallant conduct when in company with brevet brigadier general Dale, in the canoe action on the Alabama; which originated in this House.

Also, that they had read a third time and passed, an act making appropriations for the year 1822; which originated in this House, and which they have amended; in which amendment they desire the concurrence of this House.

Also, that they had read a third time and passed, an act originating in this House, to make appropriations for the payment of certain claims against the state; which they have amended; and in which amendments they desire the concurrence of this House.

Also, that they concur in the amendments made by this House, to their amendments, to the bill to be entitled, an act supplementary to the act to establish a State University.

Also, that they recede from their amendments to said bill, to which this House disagreed.

Ordered, that the House disagree to the amendment made by the Senate to the bill, to be entitled, an act to make appropriations for the payment of certain claims against the state.

A message was received from His Excellency, by Mr. Pleasants, secretary of state, informing this House, that he did on this day approve and sign, resolutions instructing our Senators and Representative in Congress, in relation to the census of this state.

An act to raise a revenue for the support of government for the year 1822.

An act for the relief of John Easley.

An act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned.

Memorial to Congress on the subject of connecting the waters of the Tennessee river with those of the Alabama.

An act to appoint commissioners, to lay out certain roads therein specified.

An act concerning jurors and for other purposes.

An act for the punishment of Malicious mischief.

An act to fix the permanent seat of justice for the county of Montgomery.

An act to divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of the decree of the circuit court of Franklin county, exercising chancery jurisdiction.

An act to repeal in part, and amend an act entitled, an act to repeal in part and amend an act entitled, an act to regulate the proceedings in the courts of law and equity in this state, passed the 14th day of June, 1821. -

An act to provide for assessing and collecting the taxes of this State.

An act to alter and amend the several acts now in force, organizing the militia of this State.

An act to extend the time for collecting the tax and making returns to the persons therein named.

And, an act to amend an act entitled an act to establish the temporary seat of justice in certain counties therein named ;--all of which originated in this House.

Ordered, that the House adjourn till to morrow morning eight o'clock.

Tuesday, December 18th.

The House met pursuant to adjournment.

Mr. Perry from the committee on enrolled bills, *Reported*, that the committee had examined bills of the following titles, to wit :

An act prescribing the manner of changing the venue in criminal cases, and for other purposes.

An act to repeal the forty-third section of an act to organize the militia of this State, passed 20th December, eighteen hundred and twenty.

Resolutions authorizing the tax collector of Madison and Limestone counties, to pay into the Huntsville Bank, the amount of taxes due from their respective counties.

An act authorizing the Judge of the county court, and commissioners of roads and revenue, of Butler county, to levy an extra tax, for building a court house and jail in and for said county, and for other purposes.

Resolution concerning the printing of the journals and laws of the present session of the General Assembly, and for other purposes.

Resolution returning the thanks of this Legislature to Jeremiah Austill for his heroic exertions, during the late Creek war, and particularly for his gallant conduct when in company with Brevet Brigadier General Dale, in the canoe action on the Alabama river.

An act for the relief of Thomas H. Kirby, tax collector of Jackson county, for the year 1820.

And, an act supplementary to act to establish a State University;---all of which they find correctly enrolled.

Mr. Powell from the committee appointed by this House, to examine the vouchers of the late Treasury, and the present condition of the Treasury, *Reported*, that they have had the same under consideration, and have given the subject that mature examination which its importance merited. Your committee feel a pleasure in stating, that they have found all the accounts and vouchers appertaining to that department to be correct; and to correspond with the annual reports which that officer has from time to time submitted to the Legislature. The order, regularity and correctness, with which that officer has managed his department, reflects, in the opinion of your committee, the highest honour upon him. The accounts and vouchers from the 16th day of March 1818, up to 11th day of December 1821, have been examined by your committee; some of the vouchers from the 15th of March 1818, to the 5th of January 1819, were destroyed as your committee believe, by the fire which burnt down the dwelling house of the late Treasurer in the town of St. Stephens. The accounts have been carefully compared with the Comptroller's books, with which they have been found to correspond.

LEVEN POWELL, *Chairman.*

Ordered, that the House concur in said report.

Mr. Armstrong from the committee appointed to examine the accounts of the door keepers, for stationary &c. *Report*, that William T. Gamble has presented the following vouchers, properly receipted:

No. 1. George M. Rives & Co.	\$39, 87½
2. Thomas H. Wiley & Co.	64, 37½
3. Henderson, Lowry & Co.	15, 95
4. O. C. & G. Brooks	3, 25
4. John Baird for wood and negro hire	146, 50
Total	\$269, 95

Mathew W. McClellan has presented the following vouchers properly receipted:

No. 1. U. G. Mitchell	\$23,
2. G. M. Rives & Co.	24, 37½
3. Henderson, Lowry & Co.	36, 87½

4. Forest Green	2, 50
5. Matthew D. Thomason	12,
6. Thomas H. Wiley & Co.	1, 37½
7. John Baird	7,
8. O. C. & G. Brooks for an account con- tracted in 1820, & omitted; now allowed }	8,

Total \$115, 12½

F. W. Armstrong, *Chairman.*

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they have concurred in the report of the committee of conference on the subject matter of disagreement between the two Houses, on the amendments to the bill to be entitled, an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this State to apply a certain sum of money therein named, for the purpose of making such arrangements with the specie paying banks of this State, as may aid the credit and currency of the Treasury notes.

Mr. Williams from the joint committee, appointed to confer on the said bill, *Reported*, that the joint committee had met, and had agreed to report sundry amendments to said bill. *Ordered*, that the House concur in said report.

On motion of Mr. Morton, *Resolved*, that a committee be appointed on the part of this House, to act jointly with such committee as may be appointed by the Senate, to inform His Excellency the Governor, that the Houses of the General Assembly have gone through all the business before them, and if he has no further communications to make, will be ready to adjourn *sine die*, at the hour of o'clock this day. *Whereupon*, Messrs. Morton, Smith, and Montgomery were appointed said committee.

A message was received from the Senate, by Mr. Lyon, their secretary, informing this House, that they have read a third time and passed, a bill originating in this House, to be entitled, an act to amend the law regulating the proceeding upon the claims of property under execution; which they have amended; in which amendment they desire the concurrence of this House.

Also, that they concur in the amendment made by this House to their amendment to the third section of the act to make appropriations for the year 1822, and disagree to the last amendment made by this House to said bill. *Ordered*,

That the House disagree to the amendments made by the Senate to the bill to be entitled, an act to amend the law regulating proceedings upon the claims of property under execution.

A message was received from the Senate by Mr. Lyon, their Secretary, informing this House, that they insist on their amendment to the bill to be entitled an act to amend the law regulating proceedings upon the claims to property under execution.

Also, that they insist on their amendments to the bill to be entitled, an act to make appropriations for the year 1822.

Mr. Bagby from the committee to whom was referred the subject of memorializing Congress on the claims of Samuel Dale, reported. A memorial of the Legislature of the State of Alabama on the subject of the claims of Col. Samuel Dale; which was read a first time: And the rule being successively dispensed with, it was read a second and third time and passed. *Ordered*, That the same be sent to the Senate for their concurrence.

Ordered, That the House insist on their disagreement to the amendment made by the Senate, to the bill to be entitled an act to amend the laws regulating the proceedings upon the claims to property under execution.

Ordered, That this House adhere to their amendment to the amendment of Senate, to the bill to be entitled an act to make appropriations for the year 1822.

Ordered, That the resolution prohibiting the introduction of new business into this House, after Monday the 3rd instant be suspended.

Mr. Barclay thereupon, introduced a resolution appointing a commissioner to act with other commissioners in fixing the temporary seat of justice for Decatur county; which was read a first time. And the rule being successively dispensed with, it was read a second and third time forthwith, and passed. *Ordered*, That the same be sent to the Senate for their concurrence.

The House then adjourned till two o'clock.

Evening Session

A message was received from the Senate by Mr. Lyon, their Secretary, informing this House, that they have re-
~~ed from their amendment to the bill to be entitled an act to~~
~~make appropriations for the year 1822~~

Also, that they adhere to their amendment to the bill to

be entitled, an act to amend the law regulating proceedings upon the claims to property under execution.

Also, that they have read a third time and passed, a resolution appointing an additional commissioner to fix the temporary seat of justice for the county of Decatur.

Also, that they had read a third time and passed, a memorial to Congress on the subject of the claims of Col. Samuel Dale---both of which originated in this House.

Also, that they have concurred in the resolution of this House, proposing a committee to act with such committee as may be appointed on the part of the Senate, to inform His Excellency, that the two Houses of the General Assembly have gone through all the business before them, and if he has no further communication to make will be ready to adjourn *sine die*, at the hour of o'clock this day---and have appointed a committee on their part to consist of Messrs. Chambers, Elliott and Conner.

Ordered, That the House concur in the amendments made by the Senate, to the bill to be entitled an act to repeal in part and amend an act entitled an act to reduce into one the several laws, concerning roads, bridges and highways.

Ordered, That this House recede from their disagreement to the amendments made by the Senate to the bill to be entitled an act to amend the law regulating proceedings upon the claims to property under execution.

Mr. Morton, from the joint committee appointed to wait on the Governor and inform him, that the two Houses of the General Assembly have gone through all the business before them, and if he has no further communication to make will be ready to adjourn *sine die*, at the hour of o'clock this day, Reported, That the committee had discharged their duty and received for answer from His Excellency, that he had no further communications of a general nature to make, and that at the hour of 4 o'clock this evening, he would submit to the respective Houses, such business as had been by them referred to him at the present session.

Ordered, That the House adjourn till to-morrow morning 9 o'clock.

Wednesday, December 19, 1821.

The bill to be entitled an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repug-

nant to the provisions of this act, was returned by His Excellency with the following communication:

Executive Department, December 18, 1821.

Gentlemen of the House of Representatives,

The Bill which was presented to me on Monday the 17th inst. originating in the House of Representatives, entitled, "An act to amend the several acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act," has been examined with that respectful consideration which is due to the deliberate act of a co-ordinate department of the government, involving as it does, questions of the deepest, permanent interest to the State. Many reasons would have rendered a longer time for reflection desirable.---The law about to be passed is one of no ordinary importance; some of its provisions are new and untried by any former experiment---the law, when passed, will be beyond the reach of repeal or amendment. Should it not answer the salutary purposes anticipated, it will stand as a continual bar against any other system for twenty years at least. I am, at the same time, sensible that a wisely adjusted banking institution may contribute great facilities to the fiscal concerns of the State government, and remove, to some extent, the embarrassing evil of a depreciated currency which depresses a most important portion of our community.

The advanced stage of the session, and the general anxiety which is felt to bring its labors to a close, requires that I should not detain you longer in presenting the reasons which have induced me to believe that I should not approve the bill in its present form.

These applying partly to the *constitutionality*, and partly to the *propriety* and *expediency* of the system proposed; for convenient reference it may be proper to extract so much of that section of the constitution as relates to the subject.

'ESTABLISHMENT OF BANKS.'

"Section 1. One State Bank may be established with such number of branches as the General Assembly may from time to time, deem expedient. *Provided*, That no branch bank shall be established, or bank charter renewed under the authority of this State, without the concurrence of two thirds of both Houses of the General Assembly. And *provided* also, That not more than one Bank, nor branch

Bank shall be established, nor bank charter renewed at any one session of the general assembly; nor shall any bank, nor branch bank be established, nor bank charter renewed, but in conformity with the following rules.

Rule 1. "At least two fifths of the capital stock shall be reserved to the state. Rule 2. A proportion of power in the direction of the Bank shall be reserved to the state, equal at least, to its proportion of stock holden therein. Rule 7. After the establishment of a General State Bank, the banks of this state now existing, may be admitted as branches thereof, upon such terms as the legislature and said banks may agree, subject, nevertheless, to the preceding rules."

1. The character of the institution authorized by the first clause is defined—"one State Bank." To constitute it such, a controlling power at all times in the state, to some extent, is essential.

How far the interest of the state should be proportionate to this power is another question. The 2nd rule requires the latter, to be at least equal to the former. Yet, although the state is invested with an interest to the amount of one hundred thousand dollars, which, by the 11th section, it is bound to subscribe shortly after the bank shall go into operation; it is allowed no voice in the first direction of the institution, nor until it may have continued in operation several months. Even if the letter of the constitution is evaded by postponing the subscription on behalf of the state until after the first election of directors, its spirit must be violated, as the interest of the state was fixed and certain from the very commencement. This defect will appear to be of no trivial importance, when it is considered how materially, the early operations of such a bank will affect, its course of policy and interest.

The first officers are selected; bye-laws and ordinances are then established; discounts to a greater proportion are made than at any subsequent period. But above all, the adoption of the existing banks as branches under the 16th section of the bill may take place at this period, when the State Bank shall become responsible for all the debts and circulating paper of the adopted banks; and the power of accepting the indemnity proposed by the 25th section of the bill will, of course, then be exercised. In this arrangement the state must feel a deep interest. The main bank may become a debtor to more than half a million of dollars by the

connexion, should all the existing banks come in. The president and directors thereof when this happens, of course, have the power under the last named section to judge of, and accept the necessary security to be taken from, the adopted branches. No period of the history of the institution may be so important to its interest; and I will ask what security have we, in reasonable probability, that at the very season when this connexion is forming, the mother bank while taking this security may not be governed by the direct or indirect influence of the adopted ones; the power of the state being excluded in this arrangement, though a large stock holder, and eventually responsible in its proper proportion. This responsibility arises from the very nature of the connexion, and is also strongly inferred from the proviso in the 17th section, and from the 25th section of the bill which, on any other supposition, would have been unmeaning.

2. The bill in the 16th section adopts any of the existing banks as branches, on the payment of one hundred thousand dollars as subscribers to the mother bank, and conforming to the conditions of the 25th section.

Thus does the bill "establish" three branches out of the existing banks, at least so far as a statute is requisite to do so, and as far as any statute ever does. The completion depends on their acceptance of the terms; and virtually, an original bank is also established by the same bill.

Notwithstanding the title purports to be an amendment of an existing bank-law; yet such law had never gone into effect nor never could, hereafter, as it is believed without a reviving statute, nor is it believed that the surviving superintendants mentioned therein, could exercise the powers extended in the 15th, 16th and 17th sections of the act of June, 1821, mentioned in the last section of the bill. The bill must therefore be viewed in regard to the constitutional provisions as establishing a new bank, and indeed it is substantially a new one. The interest of the State and its power over the institution, are variant from the former law in its provisions, and the location of the institution instead of being fixed, is left to a joint vote. It is worthy of consideration how far this comports with the first clause of the recited section of the constitution, prohibiting the establishing of more than one bank or branch at the same session. The

evil to be guarded against by that provision applies as well to the revival of an obsolete bank charter, and the conversion of banks into branches, as the forming of original banks and branches. The evil to be prevented was the combination of variant interests into one measure, ensuring the passage of all, when either, alone, on its separate merits might have resulted differently: and indeed, by the adoption, there is virtually a *renewal* and extension of the original charters which require a higher majority.

3. The 7th rule supposes the *pre-existence* of a general State Bank in operation, when the existing ones are to be admitted as branches, and that an agreement is effected between the banks and the legislature as to the terms of admission. There appears to be sound policy in requiring this course whether the constitution requires it or not. The parties will have a particular knowledge of the affairs of each other, and the legislature may act understandingly, and all eyes be open. But in the present case, we do not know from any official source what the condition of any of the existing banks may be. The *amount of debts*, and the *nature of the credits*, or how *secured*---what quantity by *personal* security---what portion by *stock* security (which in a bank that is in declining circumstances is equal to no security at all) and as to the *periods when payment* may be enforced. All these particulars should be known, both to the legislature and the respective banks forming the union, and especially when the State is to be a large stock-holder. The *terms of connexion* proposed between the mother Bank and branches, when adopted, are liable to the following objections:---

The former as it is believed will be involved, in all the debts of the latter at the moment of the union, while the adopted branch will retain all the power and control of renewing notes already discounted, and all the profit therefrom, as is necessarily presumed by declaring separate dividends thereon in their original corporate capacity. The 18th section clearly secures this privilege, and by strong implication allows the adopted bank to retain all its original corporate powers, except in the discounting of original notes. Exhibiting the anomalous character of an institution acting in a two fold capacity, of an independant bank as to many powers, and also of a branch bank. In the for-

mer capacity renewing notes to the amount of thrice the original capital, and declaring dividends thereon; and at the same time, receiving dividends on the same capital as subscribers to the mother bank. If this be not the intention of those who framed the bill, it may at least bear this construction. This if so will certainly be an undue advantage to the particular stockholders of the adopted bank, that may observe the policy of putting all its specie fund in the mother bank. If the State Bank is involved in the original debts of the adopted bank, it appears but fair that it should derive the profits from, and have some control over, the renewal of the discounts, on account of which those debts were created, and from payment of which they are to be discharged. At all events the extent of control over adopted banks is not sufficiently defined. The section of the bill on which this construction is given, is in the following words:

"Section 13th. *And be it further enacted*, That when any of the incorporated banks in this state shall become a branch of the state bank, it shall be the duty of the President and Directors in behalf of said bank, to sign a relinquishment, surrendering so much of the right, granted in her charter as authorizes the loan or loans of money in any manner whatever, either by discount or otherwise, which shall be considered as binding on said corporation: *Provided*, that they may renew discounts already made by said corporation."

The effect of the proposed system on the state of the currency in that section of the state most needing renovation, deserves a consideration among the reasons for disapproving the bill. It is believed that the favourable anticipations from it in this respect would prove illusory. To illustrate this it is only necessary to advert to the proviso in the 17th section of the bill, which is, that a bank becoming a branch, "*shall receive so much of the paper of said state bank as will when added to the debts due by said bank, and the paper unredeemed, make up the amount to which the subscription of the said branch would entitle said branch to receive.*"

This is the amount of the state bank paper, which the adopted branch would have to discount to its customers, and with which to accommodate the surrounding community. Apply this rule to the existing bank in the Northern section of the state. Suppose it to subscribe to the extent of its reported specie capital, \$100,000, and that the state bank

will conclude to discount to the full extent of its powers (thrice the capital,) the proportion to that branch would be \$300,000, if it owed nothing; deduct from this its debts and unredeemed paper, which we will for illustration suppose to be not much short of a published statement on the subject (considerably over \$300,000.) The result is, that the branch in question would not be entitled to receive for discounting, any of the notes of the mother bank, until it should have redeemed its debts to that sum; and to effect this reduction, large curtailments and great pressure on the old customers would be requisite. In this interval all the discounts would be made at the mother bank or some other branch. It is not seen by what fair banking operation the community in that quarter will be supplied with a dollar of the state bank paper, through the medium of that branch for a considerable period. And the state of the staple produce in that quarter takes such a direction to market that it is not conceived the state bank paper discounted at a distance would have any material effect on the circulation there, until the commercial intercourse shall have materially changed; unless indeed the ultimate liability of the state to pay the circulating notes, may aid their credit. But this liability, being indirect may not have great influence. The value of a circulating paper as money, is not so much estimated by its ultimate solvency, as to its immediate convertibility into money. In presenting my reasons for believing that the proposed plan will not remedy the evils of a depreciated currency, where it is most severely felt, it may not be improper to suggest that two other modes might be preferable and avoid all the objections. 1st. Let the northern bank as a corporation be allowed to subscribe and pay in, such specie capital as it may see proper, not as a branch, but to continue for the present as a distinct bank. The state bank not being liable for its debts might at once deliver its notes to at least the amount of capital paid in, on which paper a redemption of its notes in circulation and prudent discounts might be made. And afterwards a more intimate connexion might be formed by mutual agreement between said banks and the legislature, agreeably to the 7th rule on the subject, in the constitution, on terms mutually advantageous. 2nd. In case the northern bank should not agree to those terms or should they fall short of the desired effect,

an original branch may be established in that quarter, shortly after the bank shall have gone into operation. This will be unfettered by old debts and unredeemed paper, and may at once receive its full proportion of state bank paper for discounting. That wealthy and populous region of our state has sufficient reasons for supporting a respectable original branch of the state bank, without the necessity of establishing a system by which the state bank shall assume the debts of the existing bank.

Before closing my remarks, I must acknowledge that in these views of this important question I may labour under misimpressions, which on a more mature reflection, I would be anxious to correct. But feeling very sensibly the important influence of such an institution as shall now be formed on all the monied concerns of the state for nearly a quarter of a century, reflecting also, that the valuable fund for the support of a seminary of learning, in addition to such interest as the present bill proposes to allow the state, together with individual capital, and such specie capital as existing banks may subscribe, without involving the state in debt, may be a proper basis for a state bank: each interest being represented in fair proportion *from the commencement*—and believing many of these most important interests not to be fairly provided for in the bill; while the institution would commence its operation under the probable incumbrance of an immense debt: It is under these reflections, and the most solemn impressions of duty that I have disapproved the bill.

I have the honour to be,

Your most obt. servt.

ISRAEL PICKENS.

The bill was then put upon its passage, and there not being a majority of the whole number elected, in favour of it, it was lost. Ayes 26—Nays 20.

Those who voted in the affirmative, are,

Messrs. Allen, Armstrong, Avers, Bagby, Barclay, Carr, Clay, Dabney, Dale, Davis, Hardwicke, Holderness, Hopkins, Leake, Murrell, Moore, Morton, Martin, Philpott, Perry, Parham, Smith, Thompson, Vining, Weedon, Williams.

Those who voted in the negative, are

Mr. Speaker, Beene, Crenshaw, Duckworth, Edmondson, Evans, F. more, Greening, Graham, Kennedy, Montgomery, Magoffin, Miler, McHenry, Norwood, Pickett, Powell, Shiner, Tagert, Williamson.

Mr. Perry, from the committee on enrolled bills, report—

ed, that the committee had examined bills of the following titles, to wit :

Memorial of the Legislature of the State of Alabama, on the subject of the claims of Col. Samuel Dale ;

An act to make appropriations for the year 1822 ;

An act to amend the law regulating proceedings upon the claims of property under execution ;

An act to repeal in part and amend an act, entitled, an act to reduce into one the several acts concerning roads, bridges and highways ;

An act making appropriations for the payment of certain claims against the state ; and,

A resolution appointing a commissioner to act with other commissioners in fixing the temporary seat of justice for Decatur county : All of which they find truly enrolled.

A message was received from the Governor by Mr. Pleasants, Secretary of State, informing this House, that he did on approve and sign.

An act to authorize the Judge of the County Court and commissioners of the roads and revenue of Butler county, to levy an extra tax for building a court house and jail in and for said county, and for other purposes ;

An act supplementary to an act to establish a State University ;

Resolution, returning the thanks of this legislature to Jeremiah Ausill for his heroic exertions during the late Creek war, and particularly for his gallant conduct when in company with Brevet Brigadier General Dale, in the canoe action on the Alabama river ;

An act prescribing the manner of changing the venue in criminal cases and for other purposes ;

An act to repeal in part and amend the 43rd section of an act to organize the militia of this state, passed 20th December, 1820 ;

Resolutions, authorizing the tax collectors of the counties of Madison and Limestone to pay into the Huntsville Bank the amount of taxes due from their respective counties ;

Resolutions, concerning the printing the journals and laws of the present General Assembly, and for other purposes ; and,

An act for the relief of Thomas M. Kirby, tax collector of Jackson county for the year 1820 : All of which originated in this House.

On motion of Mr. Bagby, Resolved, That a committee be appointed to inform the Senate, that this House is ready to receive them to go into the election of Trustees of the State University. Whereupon, Messrs. Bagby and Armstrong were appointed said committee.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of trustees of the State University for the first judicial circuit. George W. Owen, John Murphy, George Buchannon and William Crawford being in nomination, the votes stood thus:

For Mr. Owen	39
For Mr. Murphy	32
For Mr. Buchannon	24
For Mr. Crawford	31

The Speaker thereupon declared Mr. Owen and Mr. Murphy duly elected.

Those who voted for Mr. Owen, are

Messrs. Casey, Chambers, Devereux, Dennis, Elliot, Lanier, M'Vay, Trotter, Ware, Wingate, [*of the Senate*] Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Carr, Clay, Crenshaw, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Graham, Hardwicke, Holderness, Montgomery, Murrell, Moore, Martin, McHenry, Powell, Philpott, Parham, Skinner, Williams, Williamson. [*Rep.*]

Those who voted for Mr. Murphy, are

Mr. President, Casey, Davis, Garth, Gause, Gaines, Hogg, May, Wingate, [*of the Senate*] Mr. Speaker, Ayers, Beene, Carr, Crenshaw, Dabney, Dale, Duckworth, Evans, Elmore, Greening, Graham, Hardwicke, Leake, Magoffin, Miller, Morton, Pickett, Skinner, Smith, Vining, Williams, Williamson. [*Rep.*]

Those who voted for Mr. Buchannon, are

Mr. President, Chambers, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, May, Trotter, Ware, [*of the Senate*] Mr. Bagby, Barclay, Beene, Davis, Hopkins, Kennedy, Norwood, Pickett, Perry, Parham, Tagert, Thompson, Vining, [*Rep.*]

Those who voted for Mr. Crawford, are

Messrs. Davis, Devereux, Garth, Gaines, Lucas, M'Vay, [*of the Senate*] Messrs. Allen, Armstrong, Barclay, Clay, Edmondson, Greening, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, McHenry, Norwood, Powell, Philpott, Perry, Smith, Tagert, Thompson. [*Rep.*]

The two houses then proceeded to the election of Trustees, for the second judicial circuit:

Henry Hitchcock, and George Phillips, being the only persons in nomination, and every member present voting for them, the Speaker declared them duly elected.

The two houses then proceeded to the election of Trustees, for the third judicial circuit:

Hume R. Field, Jack Shackelford, and John Brown, being in nomination, the votes stood thus :

For Mr. Shackelford 54

For Mr. Field 47

For Mr. Brown 25

The Speaker thereupon declared Mr. Shackelford, and Mr. Field, duly elected.

Those who voted for Mr. Shackelford, are

Messrs. Casey, Conner, Davis, Devereux, Dennis, Elliott, Garth, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Ware, Wingate. [*of the Senate.*] Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Carr, Clay, Crenshaw, Dale, Davis, Duckworth, Edmondson, Elmore, Greening, Graham, Hardwicke, Holderness, Hopkins, Kennedy, Leake, Montgomery, Murrell, Miller, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Smith, Tagert, Vining, Williams, Williamson. [*Rep.*]

Those who voted for Mr. Field, are

Mr. President, Chambers, Davis, Devereux, Elliott, Garth, Gause, Hogg, Lucas, M'Vay, May, Trotter, Wingate, [*of the Senate.*] Mr. Speaker, Armstrong, Bagby, Beene, Clay, Crenshaw, Davis, Duckworth, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Kennedy, Leake, Montgomery, Magoffin, Miller, Moore, Morton, Martin, McHenry, Norwood, Powell, Philpott, Perry, Parham, Skinner, Tagert, Thompson, Vining, Williams, Williamson, [*Rep.*]

Those who voted for Mr. Brown, are

Mr. President, Casey, Conner, Chambers, Dennis, Gause, Gaines, Lanier, Trotter, Ware, [*of the Senate.*] Messrs. Allen, Ayers, Barclay, Beene, Carr, Dale, Evans, Hardwicke, Hopkins, Magoffin, Murrell, Pickett, Skinner, Smith, Thompson, [*Rep.*]

The two houses then proceeded to the election of Trustees for the fourth judicial circuit :

Nicholas Davis, John M'Kinley, and Peter Martin, being in nomination, the votes stood thus :

For Mr. Davis 60

For Mr. M'Kinley 32

For Mr. Martin 32

Mr. Davis being the only candidate who had a majority of all present, the Speaker declared him duly elected.

Those who voted for Mr. Davis, are

Mr. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Garth, Gause, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Trotter, Ware, Wingate, [*of the Senate.*] Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Beene, Carr, Clay, Crenshaw, Dabney, Dale, Davis, Edmondson, Evans, Elmore, Greening, Graham, Hardwicke, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Tagert, Thompson, Vining, Williams, Williamson, [*Rep.*]

Those who voted for Mr. M'Kinley, are

Messrs. Conner, Garth, M'Vay, Trotter, Ware, [of the Senate.] Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Clay, Creushaw, Dabney, Dale, Davis, Evans, Greening, Graham, Hardwicke, Holderness, Hopkins, Moore, Morton, Martin, McHenry, Pickett, Powell, Philpott, Perry, Smith, Vining, Williams, [Rep.]

Those who voted for Mr. Martin, are

Mr. President, Casey, Chambers, Devereux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, May, Wingate, [of the Senate.] Messrs. Ayers, Boone, Carr, Edmondson, Elmore, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, M'Henry, Norwood, Perry, Parham, Skinner, Tagert, Thompson, Williamson, [Rep.]

The two Houses then proceeded to the election of another trustee, for the fourth judicial circuit.

John M'Kinley and Peter Martin being in nomination, the votes stood thus:

For Mr. M'Kinley 35, for Mr. Martin 23.

The Speaker, thereupon, declared Mr. M'Kinley duly elected. Those who voted for Mr. M'Kinley, are

Messrs. Conner, Davis, Garth, Gaines, M'Vay, Trotter, Ware, [of the Senate.] Mr. Speaker, Allen, Armstrong, Bagby, Carr, Clay, Creushaw, Dabney, Dale, Davis, Evans, Greening, Graham, Hardwicke, Holderness, Hopkins, Leake, Miller, Moore, Morton, Martin, McHenry, Pickett, Powell, Philpott, Smith, Vining, Williams, [Rep.]

Those who voted for Mr. Martin, are

Mr. President, Casey, Chambers, Devereux, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, May, Wingate, [of the Senate.] Messrs. Ayers, Barclay, Boone, Duckworth, Edmondson, Elmore, Kennedy, Magoffin, Murrell, Norwood, Perry, Parham, Skinner, Tagert, Thompson, Williamson, [Rep.]

The two Houses then proceeded to the election of trustees, for the fifth judicial circuit.

Henry Minor, Thomas Fearn and Isaac Jackson, being in nomination, the votes stood thus: For Mr. Minor 59, for Mr. Fearn 31, for Mr. Jackson 33.

The Speaker, thereupon, declared Mr. Minor and Mr. Fearn, duly elected.

Those who voted for Mr. Minor, are

Mr. President, Casey, Chambers, Davis, Devereux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Trotter, Ware, Wingate, [of the Senate.] Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Carr, Clay, Creushaw, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, McHenry, Norwood, Pickett, Powell, Philpott, Perry, Skinner, Smith, Tagert, Thompson, Vining, Williams, Williamson, [Rep.]

Those who voted for Mr. Fearn, are

Messrs. Conner, Davis, Garth, Gaines, M'Vay, Ware, [of the Senate.]

Mr. Speaker, Allen, Armstrong, Barclay, Clay, Crenshaw, Dabney, Davis, Edmondson, Evans, Greening, Graham, Holderness, Hopkins, Leake, Montgomery, Murrell, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Smith, Williams, Hardwicke, [Rep.]

Those who voted for Mr. Jackson, are

Mr. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Garth, Gause, Hogg, Lucas, Lanier, May, Trotter, Wingate, [of the Senate.] Messrs. Ayers, Bagby, Carr, Dale, Duckworth, Elmore, Hardwicke, Kennedy, Magoffin, Miller, M'Henry, Norwood, Pickett, Parham, Tagert, Thompson, Vining, Williamson, (Rep.)

The two Houses then proceeded to the election of trustees, for the sixth judicial circuit.

Clement C. Billingsley, John Herbert and Robert W. Carter, being in nomination, the votes stood thus: For Mr. Billingsley 49, for Mr. Carter 44, for Mr. Herbert 29.

The Speaker, thereupon, declared Mr. Billingsley and Mr. Carter duly elected.

Those who voted for Mr. Billingsley, are

Mr. President, Casey, Conner, Chambers, Davis, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter, Wingate, (of the Senate.) Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Carr, Clay, Dabney, Davis, Duckworth, Edmondson, Evans, Elmore, Hardwicke, Hopkins, Kennedy, Leake, Montgomery, Murrell, Miller, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Powell, Philpott, Parham, Perry, Smith, Tagert, Vining, Williams, Williamson, Skinner, (Rep.)

Those who voted for Mr. Carter, are

Messrs. Casey, Conner, Davis, Devereux, Garth, Gause, McVay, Trotter, Ware, Wingate, (of the Senate.) Mr. Speaker, Allen, Armstrong, Barclay, Carr, Clay, Crenshaw, Dabney, Dale, Davis, Edmondson, Evans, Greening, Graham, Hardwicke, Holderness, Hopkins, Leake, Montgomery, Magoffin, Miller, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Powell, Philpott, Perry, Smith, Tagert, Thompson, Williams.

Those who voted for Mr. Herbert, are

Mr. President, Chambers, Devereux, Dennis, Elliott, Garth, Gause, Gaines, Hogg, Lucas, Lanier, McVay, Ware, (of the Senate.) Mr. Ayers, Bagby, Barclay, Crenshaw, Dale, Duckworth, Elmore, Graham, Kennedy, Magoffin, Murrell, Parham, Skinner, Thompson, Vining, Williamson.

The Senate then returned to their chamber.

On motion of Mr. Greening, Resolved, That a message be sent to the Senate informing them, that this House have completed the business before them, and are now ready to adjourn *sine die*. Whereupon, Messrs. Greening and Williams were appointed to convey said resolution to the Senate.

A message was received from His Excellency, by Mr. Pleasants, Secretary of State, informing this House, that he did on this day, approve and sign,

An act to repeal in part and amend an act entitled an act

to reduce into one the several acts concerning roads, bridges and highways;

An act to make appropriations for the payment of certain claims against the state;

Resolution, appointing a commissioner to act with other commissioners in fixing the temporary seat of justice for Decatur county;

An act to make appropriations for the year 1822;

An act to amend the law regulating proceedings upon the claims of property under execution; and,

A memorial of the legislature of the State of Alabama, on the subject of the claims of Col. Samuel Dale.

A message was received from the Senate by Mr. Lyon, their secretary, informing this House, that they had adopted the following resolution:

Resolved, That a committee be appointed by this House to act with such committee as may be appointed by the House of Representatives, for the purpose of waiting on His Excellency the Governor, and to inform him that both Houses have gone through the business before them, and are now ready to adjourn *sine die*; and that on their part, they had appointed Messrs. Elliott, Chambers, May and Devreux said committee. *Ordered*, That the House concur in said resolution: Whereupon, Messrs. Williams, Moor, Hardwicke and Tagert, were appointed a committee on the part of this House.

Mr. Williams from said committee reported, that the committee had discharged the duty enjoined by said resolution, and received for answer from His Excellency, that he had no further communication to make to the Legislature.

Mr. Martin having taken the chair, on motion of Mr. Morton Resolved, unanimously, that the thanks of this House be presented to the Hon. James Dellett, Speaker, for the able and impartial discharge of the duties of the chair, during the present session of the legislature of the State of Alabama.

The Speaker having resumed the chair, returned his thanks to the House in an impressive and affectionate manner.

A message was received from the Senate by Mr. Chambers, informing this House, that the Senate had gone through all the business before them, and were ready to adjourn *sine die*.

Mr. Moore moved, that the House do adjourn *sine die*; which was decided in the affirmative.

The Speaker then declared, that this House adjourned *sine die*.

(ATTEST,)

NAT. DODSON,

Clerk of the House of Representatives.